United Nations S/2000/653

Security Council

Distr.: General
6 July 2000

Original: English

Letter dated 6 July 2000 from the Chargé d'affaires a.i. of the Permanent Mission of Yugoslavia to the United Nations addressed to the President of the Security Council

I have the honour to forward a letter dated 6 July 2000 from Momir Bulatović, President of the Federal Government of the Federal Republic of Yugoslavia, relative to the disputed question of Prevlaka, addressed to you (see annex).

I should be grateful if you would have the present letter and its annex circulated as a document of the Security Council.

(*Signed*) Vladislav **Jovanovic**
Chargé d'affaires a.i.

00-52052 (E) 060700

Annex to the letter dated 6 July 2000 from the Chargé d'affaires a.i. of the Permanent Mission of Yugoslavia to the United Nations addressed to the President of the Security Council

I wish to address you on behalf of the Federal Government of the Federal Republic of Yugoslavia in connection with the forthcoming debate in the Security Council of the question of the mandate of the Mission of the United Nations on Prevlaka.

I wish to request that the Security Council of the United Nations extend the mandate of the United Nations Mission of Observers in Prevlaka (UNMOP) to a new period of six months beginning on 15 July 2000, considering that the disputed issue of Prevlaka has not yet been resolved.

I wish to point out on this occasion that my Government highly appreciates the contribution of the Mission of the United Nations to the maintenance of the established system of security on Prevlaka.

The positions of my Government in connection with the solution of the disputed issue of Prevlaka were communicated in greater detail in the letter of the Head of the Mission of the Federal Republic of Yugoslavia to the United Nations of 20 June 2000; I would like to bring to your attention some of the most important ones.

The Federal Republic of Yugoslavia calls for the continued stay of the Mission of the United Nations on Prevlaka until the two countries solve this disputed issue bilaterally as provided for in the Agreement on Normalization of Relations between the Federal Republic of Yugoslavia and the Republic of Croatia, signed in Belgrade on 23 August 1996.

The Yugoslav side calls for the respect of the established concept of the "Blue" zone (1992), according to which only the members of the United Nations are allowed access to it.

The Federal Republic of Yugoslavia is ready to resume the negotiations that were interrupted in March 1999. It was expressed in the letter that the Chairman of the Yugoslav delegation for negotiations on Prevlaka sent to the Chairman of the Croatian delegation on 8 June 2000. The readiness for the resumption of negotiations was also expressed by the Croatian side but it has not yet extended a concrete invitation to the Yugoslav delegation to a meeting.

It is important that the two sides have accepted the rule of *uti possidetis* in the solution of the disputed issue of Prevlaka. However, there are differences in the application of the rule. The two sides view differently the extension of the border in the disputed area of Prevlaka. The Yugoslav side has proposed that the application of the rule *uti possidetis* be considered at the forthcoming meeting of the delegations.

Considering that the disputed issue of Prevlaka has not been solved and that the presence of the Mission of the United Nations is very important, the Federal Government of the Federal Republic of Yugoslavia expects the Security Council to extend the mandate of the Mission of the United Nations for the next six months in its unchanged form.

(*Signed*) Momir **Bulatović**

United Nations S/2000/654

Security Council

Distr.: General
7 July 2000
English
Original: French

Letter dated 1 July 2000 from the Registrar of the International Court of Justice addressed to the Secretary-General

I have the honour to inform you that, on today's date, the Court rendered its order on the request for the indication of provisional measures submitted on 19 June 2000 by the Democratic Republic of the Congo in the case concerning *Armed activities on the territory of the Congo (Democratic Republic of the Congo v. Uganda)*.

The text of the order is as follows:

"The Court,

Indicates, pending a decision in the proceedings instituted by the Democratic Republic of the Congo against the Republic of Uganda, the following provisional measures:

(1) Unanimously,

Both Parties must, forthwith, prevent and refrain from any action, in particular any armed action, which might prejudice the rights of the other Party in respect of whatever judgement the Court may render in the case, or which might aggravate or extend the dispute before the Court or make it more difficult to resolve;

(2) Unanimously,

Both Parties must, forthwith, take all measures necessary to comply with all of their obligations under international law, in particular those under the United Nations Charter and the Charter of the Organization of African Unity, and with United Nations Security Council resolution 1304 (2000) of 16 June 2000;

(3) Unanimously,

Both Parties must, forthwith, take all measures necessary to ensure full respect within the zone of conflict for fundamental human rights and for the applicable provisions of humanitarian law."

00-52167 (E) 070700 070700

Kindly find enclosed the complete text of this order so that it may be transmitted to the Security Council, in accordance with article 41, paragraph 2, of the Statute of the Court (see annex).

(*Signed*) Philippe **Couvreur**
Registrar of the Court

Annex

[Original: English and French]

INTERNATIONAL COURT OF JUSTICE

YEAR 2000

2000
1 July
General List
No. 116

1 July 2000

CASE CONCERNING ARMED ACTIVITIES ON THE TERRITORY OF THE CONGO (DEMOCRATIC REPUBLIC OF THE CONGO *v.* UGANDA)

REQUEST FOR THE INDICATION OF PROVISIONAL MEASURES

ORDER

Present: President Guillaume; *Judges* Oda, Bedjaoui, Ranjeva, Herczegh, Fleischhauer, Koroma, Vereshchetin, Higgins, Parra-Aranguren, Kooijmans, Rezek, Al-Khasawneh, Buergenthal; *Registrar* Couvreur.

The International Court of Justice,

Composed as above,

After deliberation,

Having regard to Articles 41 and 48 of the Statute of the Court and to Articles 73, 74 and 75 of the Rules of Court,

Makes the following Order:

1. Whereas, by an Application filed in the Registry of the Court on 23 June 1999, the Democratic Republic of the Congo (hereinafter "the Congo") instituted proceedings against the Republic of Uganda (hereinafter "Uganda") in respect of a dispute concerning "acts of *armed aggression* perpetrated by Uganda on the territory of the Democratic Republic of the Congo, in flagrant violation of the United Nations Charter and of the Charter of the Organization of African Unity";

2. Whereas in that Application the Congo founds the jurisdiction of the Court on the declarations made by the two States under Article 36, paragraph 2, of the Statute;

3. Whereas in the said Application the Congo states that the "armed aggression by Ugandan troops on Congolese territory has involved *inter alia* violation of the sovereignty and territorial integrity of the Democratic Republic of the Congo", and that "[t]he extent of the invasion of the Democratic Republic of the Congo has been such that it currently involves fighting in seven provinces: Nord-Kivu, Sud-Kivu, Maniema, Orientale Province, Katanga, Equateur and Kasai Oriental"; whereas the Congo recalls "all the efforts undertaken by the Congolese Government with a view to enforcing its right to secure the withdrawal of . . . foreign troops", in particular within the United Nations and the Organization of African Unity; and whereas the Congo observes that "[b]y . . . providing unlimited aid to rebels in the

form of arms and armed troops, in return for the right to exploit the wealth of the Congo for their own benefit, Uganda has defied the international community and created a dangerous precedent", that "the invasion of its territory, which has required - and still requires - inordinate financial efforts, has paralysed the majority of the country's economic sectors, to the detriment of the Congolese people", and that "Uganda has prevented the peaceful settlement of the rebellion - an internal problem of the Democratic Republic of the Congo";

4. Whereas in its Application the Congo also contends that the "armed aggression by Ugandan troops on Congolese territory has involved . . . violations of international humanitarian law and massive human rights violations"; whereas it states more particularly that "the various human rights violations perpetrated by the Ugandan Republic" have been set out in two White Papers prepared by the Ministry of Human Rights, annexed to the Application; and whereas it cites massacres, rapes, abductions and murders, arrests, arbitrary detentions, inhuman and degrading treatment, systematic looting of private and public institutions and seizure of property of the civilian population";

5. Whereas in the Application the Congo refers to "the serious violations committed by Uganda", citing inter alia "the major principles of international law"; and whereas in this connection it refers to violations of Article 2, paragraph 4, of the United Nations Charter, of Articles 3 *et seq.* of the Charter of the Organization of African Unity, of the rules set out in the Universal Declaration of Human Rights and in the International Covenant on Civil and Political Rights of 1966, and of the provisions of the 1949 Geneva Conventions, of the Additional Protocols of 1977, of the New York Convention of 1984 against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and of the Montreal Convention of 1971 for the Suppression of Unlawful Acts against the Safety of Civil Aviation;

6. Whereas the Congo adds that by its Application it "seeks to secure the cessation of the acts of aggression directed against it, which constitute a serious threat to peace and security in central Africa in general and in the Great Lakes region in particular", and that it "also seeks reparation for acts of intentional destruction and looting, and the restitution of national property and resources appropriated for the benefit of Uganda";

7. Whereas the Congo concludes its Application with the following submissions:

> "Consequently, and whilst reserving the right to supplement and amplify the present request in the course of the proceedings, the Democratic Republic of the Congo requests the Court to:
>
> *Adjudge and declare that:*
>
> *(a)* Uganda is guilty of an act of aggression within the meaning of Article 1 of resolution 3314 of the General Assembly of the United Nations of 14 December 1974 and of the jurisprudence of the International Court of Justice, contrary to Article 2, paragraph 4, of the United Nations Charter;
>
> *(b)* further, Uganda is committing repeated violations of the Geneva Conventions of 1949 and their Additional Protocols of 1977, in flagrant disregard of the elementary rules of international humanitarian law in conflict zones, and is also guilty of massive human rights violations in defiance of the most basic customary law;
>
> *(c)* more specifically, by taking forcible possession of the Inga hydroelectric dam, and deliberately and regularly causing massive electrical power cuts, in violation of the

provisions of Article 56 of the Additional Protocol of 1977, Uganda has rendered itself responsible for very heavy losses of life among the 5 million inhabitants of the city of Kinshasa and the surrounding area;

(d) by shooting down, on 9 October 1998 at Kindu, a Boeing 727 the property of Congo Airlines, thereby causing the death of 40 civilians, Uganda has also violated the Convention on International Civil Aviation signed at Chicago on 7 December 1944, the Hague Convention of 16 December 1970 for the Suppression of Unlawful Seizure of Aircraft and the Montreal Convention of 23 September 1971 for the Suppression of Unlawful Acts against the Safety of Civil Aviation.

Consequently, and pursuant to the aforementioned international legal obligations, to adjudge and declare that:

(1) all Ugandan armed forces participating in acts of aggression shall forthwith vacate the territory of the Democratic Republic of the Congo;

(2) Uganda shall secure the immediate and unconditional withdrawal from Congolese territory of its nationals, both natural and legal persons;

(3) the Democratic Republic of the Congo is entitled to compensation from Uganda in respect of all acts of looting, destruction, removal of property and persons and other unlawful acts attributable to Uganda, in respect of which the Democratic Republic of the Congo reserves the right to determine at a later date the precise amount of the damage suffered, in addition to its claim for the restitution of all property removed";

8. Whereas on 23 June 1999 the Registrar notified the Ugandan Government, by facsimile and by letter, of the filing of that Application, and a certified copy of the Application was transmitted to that Government; whereas, in accordance with Article 40, paragraph 3, of the Statute and Article 42 of the Rules of Court, copies of the Application were transmitted to the Members of the United Nations through the Secretary-General, as well as to the other States entitled to appear before the Court; and whereas, by an Order of 21 October 1999, the Court fixed 21 July 2000 and 21 April 2001 as the time-limits for the filing, respectively, of the Memorial of the Congo and the Counter-Memorial of Uganda;

9. Whereas on 19 June 2000 the Congo submitted to the Court a request for the indication of provisional measures, citing Article 41 of the Statute of the Court and Articles 73, 74 and 75 of the Rules of Court; and whereas in that request the Congo, citing Article 74, paragraph 4, of the Rules of Court, also asked the President of the Court to exercise the power conferred upon him by that paragraph to "call upon the Republic of Uganda to act in such a way as will enable any order the Court may make on the request for provisional measures to have its appropriate effects";

10. Whereas in this request for the indication of provisional measures the Congo states that:

"[s]ince 5 June last, the resumption of fighting between the armed troops of the Republic of Uganda and another foreign army has caused substantial damage to the Democratic Republic of the Congo and to its population";

whereas the Congo points out that "[t]hese actions have been unanimously condemned, in particular by the United Nations Security Council"; whereas it contends that

> "[d]espite promises and declarations of principle, the Republic of Uganda has pursued its policy of aggression, brutal armed attacks and acts of oppression and looting",

and that "[t]his is, moreover, the third Kisangani war, coming after those of August 1999 and May 2000 and having been instigated by the Republic of Uganda . . ."; and whereas the Congo further observes that these acts "represent just one further episode constituting evidence of the military and paramilitary intervention, and of occupation, commenced by the Republic of Uganda in August 1998", and "reflect in particular the conflicts between the foreign forces engaged in organized looting of the natural resources and the assets and equipment of the Democratic Republic of the Congo";

11. Whereas in the request for the indication of provisional measures the Congo argues that "each passing day causes to the Democratic Republic of the Congo and its inhabitants grave and irreparable prejudice", and that it is "urgent that the rights of the Democratic Republic of the Congo be safeguarded in accordance with the Charter of the United Nations and the Statute of the Court";

12. Whereas the Congo adds that its request "is a direct outgrowth of the dispute which it brought" before the Court, and that "[t]here can be no doubt as to the prima facie jurisdiction of the Court";

13. Whereas at the conclusion of its request the Congo asks the Court to indicate as a matter of urgency the following provisional measures:

> "(1) the Government of the Republic of Uganda must order its army to withdraw immediately and completely from Kisangani;
>
> (2) the Government of the Republic of Uganda must order its army to cease forthwith all fighting or military activity on the territory of the Democratic Republic of the Congo and to withdraw immediately and completely from that territory, and must forthwith desist from providing any direct or indirect support to any State, group, organization, movement or individual engaged or preparing to engage in military activities on the territory of the Democratic Republic of the Congo;
>
> (3) the Government of the Republic of Uganda must take all measures in its power to ensure that units, forces or agents which are or could be under its authority, or which enjoy or could enjoy its support, together with organizations or persons which could be under its control, authority or influence, desist forthwith from committing or inciting the commission of war crimes or any other oppressive or unlawful act against all persons on the territory of the Democratic Republic of the Congo;
>
> (4) the Government of the Republic of Uganda must forthwith discontinue any act having the aim or effect of disrupting, interfering with or hampering actions intended to give the population of the occupied zones the benefit of their fundamental human rights, and in particular their rights to health and education;
>
> (5) the Government of the Republic of Uganda must cease forthwith all illegal exploitation of the natural resources of the Democratic Republic of the Congo and all illegal transfer of assets, equipment or persons to its territory;
>
> (6) the Government of the Republic of Uganda must henceforth respect in full the right of the Democratic Republic of the Congo to sovereignty, political independence and territorial

integrity, and the fundamental rights and freedoms of all persons on the territory of the Democratic Republic of the Congo.

The Democratic Republic of the Congo would, at all events, respectfully remind the Court of the powers conferred upon it by Article 41 of its Statute and Article 75 of the Rules of Court, which authorize it in the present case to indicate all such provisional measures as it may deem necessary in order to bring to an end the intolerable situation which continues to obtain in the Democratic Republic of the Congo, and in particular in the Kisangani region";

14. Whereas, immediately upon receiving the text of the request for the indication of provisional measures, the Registrar transmitted a certified copy thereof to the Agent of Uganda, in accordance with Article 73, paragraph 2, of the Rules of Court; and whereas the Registrar also notified the Secretary-General of the United Nations of the filing of the request;

15. Whereas, by letters dated 19 June 2000, the President of the Court addressed the Parties in the following terms:

"Acting in conformity with Article 74, paragraph 4, of the Rules of Court, I hereby draw the attention of both Parties to the need to act in such a way as to enable any Order the Court will make on the request for provisional measures to have its appropriate effects";

16. Whereas, by letter dated 20 June 2000, the Registrar informed the Parties that the Court had designated 26 June 2000 as the date for the opening of the hearings provided for in Article 74, paragraph 3, of the Rules of Court, at which they would have the opportunity to present their observations on the request for the indication of provisional measures;

17. Whereas, at the public hearings held on 26 and 28 June 2000, oral observations on the request for the indication of provisional measures were presented:

On behalf of the Congo:

by Mr. Michel Lion, *Agent*,
H.E. Mr. She Okitundu,
Mr. Ntumba Luaba,
Mr. Olivier Corten;

On behalf of Uganda:

by H. E. Bart M. Katureebe, *Agent*,
Mr. Ian Brownlie,
Mr. Paul S. Reichler;

* *

18. Whereas at the hearings the Congo essentially reiterated the line of argument developed in its Application and in its request for the indication of provisional measures; whereas it observed that

Article 41 of the Statute confers "a substantial power of discretion on the Court, by providing that it *may* indicate provisional measures" and that "[t]he only condition expressly laid down is that the circumstances should *require* the adoption of such measures"; whereas the Congo asserted that "this was undeniably so in the present case having regard to the extreme gravity of the situation on the ground", which was characterized by the military and paramilitary presence of the Ugandan army on Congolese territory, repeated clashes between the armed forces of Uganda and those of another neighbouring country in the city of Kisangani, the persistence and aggravation of economic rivalry aimed at the seizure of the wealth of the Congo, and the persistence and aggravation of acts of oppression directly affecting the civilian population;

19. Whereas at the hearings the Congo, citing the Court's jurisprudence, argued more particularly that the requirements of urgency and of the risk of irreparable damage, conditions precedent for the indication of provisional measures, were satisfied in the present case; whereas it stated *inter alia* that "each passing day, the territory of the Democratic Republic of the Congo continues to be occupied, its resources and assets are systematically plundered, its inhabitants abducted, injured or killed", that "it is difficult to conceive of damage more 'irreparable' than this", and that "[n]o form of material restitution, compensation or redress can fully make good the deaths, suffering and humiliation undergone daily by the Democratic Republic of the Congo and its inhabitants"; whereas it added that "[w]hen an armed conflict develops and endangers not only the rights and interests of the State but also the lives of its inhabitants, the urgency of provisional measures and the irreparable nature of the damage cannot be in doubt"; and whereas it pointed out that, "in two recent cases, the life of *a single* individual justified the indication of measures intended to avert an irreparable event" and that "[*a*] *fortiori*, measures should be indicated as a matter of urgency in circumstances where . . . hundreds, if not thousands, of persons are being condemned to certain death . . .";

20. Whereas the Congo further observed that "the fact that certain Ugandan high authorities have officially stated that they agree to withdraw their forces from the Kisangani region and that the beginnings of a withdrawal have in fact taken place can . . . in no way call into question" the need for the indication of measures as a matter of urgency, and that "these statements [did not] concern . . . the whole of Congolese territory"; and whereas it pointed out, moreover, that, under the Court's jurisprudence, "the existence of obligations whereby one or other Party agrees to put an immediate end to the acts underlying the request for the indication of provisional measures does not prevent the Court from acceding to that request";

21. Whereas at the hearings the Congo also contended that there was "a sufficient connection between the measures requested and the rights protected"; whereas it stated, on the basis of a comparison of the text for the request of the indication of provisional measures with that of the Application instituting the proceedings, that the "categories of act referred to are similar" and that the "rules of law applicable are similar", arguing more particularly as follows:

> "However, at this preliminary stage of a request for the indication of provisional measures, the Democratic Republic of the Congo is not asking the Court *to condemn* Uganda, to require it to pay compensation by way of reparation, or even to declare - at any event not in the operative part of the order for the indication of provisional measures - that Uganda has violated international law. The withdrawal of troops, or the ending of support for irregular armed groups, are required not as consequences of a finding that Uganda has violated international law, but simply as measures preserving the rights of the Democratic Republic of the Congo until the Court is able to decide the dispute on the merits. Under such conditions, the requests made correspond, *mutatis mutandis*, to those which the Court has indicated in other precedents which are not without relevance to the present case, such as

those in the *Military Activities*, *Frontier Dispute* and *Genocide* cases, or in the *Land and Maritime Boundary* case";

22. Whereas at the hearings the Congo further contended that the Court has prima facie jurisdiction "to entertain the dispute which is the subject-matter of the Application", having regard to the declarations of acceptance of its compulsory jurisdiction deposited by the two Parties; and whereas in this regard it added the following:

> "In the *Military Activities* case, the Court found that it had prima facie jurisdiction precisely because it was dealing with two declarations of acceptance deposited under Article 36, paragraph 2, of its Statute, even though the validity of one of these declarations (that of Nicaragua) had been challenged and the other (that of the United States) contained a reservation which was directly pertinent to the case concerned (*I.C.J. Reports 1984*, p. 181, para. 26). *A fortiori*, the Court must hold itself to have prima facie jurisdiction in the present case, since it is dealing with two declarations whose validity is unquestioned and which contain no reservation which might prevent the Court from exercising its jurisdiction";

23. Whereas at the hearings the Congo stated finally that "[t]here is nothing in the political and diplomatic context of the present case which might prevent the Court from taking the measures which the circumstances require"; whereas it pointed out that "the Security Council has adopted a resolution - resolution 1304 of 16 June 2000 - in which it was demanded that Uganda withdraw its forces not only from Kisangani but from all Congolese territory, without further delay"; whereas it observed that "[t]he withdrawal of Ugandan forces is in substance what the Congo is asking the Court to indicate, not as a political measure with a view to the maintenance of international peace and security, but as a judicial measure"; and whereas, referring to the Court's jurisprudence, it argued that "[i]t is not, however, possible to derive from these parallel powers of the Security Council and of the Court any bar to the exercise by the latter of its jurisdiction"; and whereas, recalling that resolution 1304 "does not concern Uganda alone, but also Rwanda", the Congo pointed out that "although on 23 June 1999 three separate Applications were filed, one of them against Uganda, another against Rwanda, it is only in respect of Uganda that the Democratic Republic of the Congo has considered it appropriate to submit a request for the indication of provisional measures"; whereas it observed that "[t]hese particular circumstances are clearly not such as would prevent the Court from indicating the provisional measures which are the subject-matter of the present proceedings"; and whereas it explained that "[t]he Court [was] not being asked to enjoin a State not party to the proceedings to follow a particular course of conduct", adding the following:

> "The Court is accordingly fully entitled to rule on a request which concerns the State of Uganda specifically and exclusively, even though it is not precluded, should it see fit, from indicating *proprio motu*, on its own initiative, provisional measures directed at other States in the context of other legal disputes, provided that such legal disputes fall within its prima facie jurisdiction";

*

24. Whereas at the hearings Uganda gave the following account of events:

> "The Congolese forces that overthrew President Mobutu in May 1997 were led by Mr. Kabila, the current President. At the outbreak of the fighting, President Mobutu's army abandoned Eastern Congo, leaving no central governmental presence or authority. At the invitation of Mr. Kabila, Ugandan forces entered Eastern Congo to work in collaboration

with his forces to arrest the activities of the anti-Uganda rebels.

> Ugandan forces remained in Eastern Congo after Mr. Kabila became President in May 1997, again at his invitation. The central Government in Kinshasa, which was in the process of creating a new army and a police force, had no capability to exercise authority in this remote region of the country. This arrangement with President Kabila was formalized by written agreement dated 27 April 1998 . . . This agreement expressly recognizes the existence of armed irregulars conducting military activities across the Ugandan/Congolese border, and it provides for joint action by Ugandan and Congolese armed forces in the Democratic Republic of the Congo to stop them";

whereas it added that "Uganda has no territorial interests in the Democratic Republic of the Congo", that "[t]here is a complete political vacuum in Eastern Congo" and that "[t]here is no one else to restrain the anti-Uganda rebels or guarantee the security of Uganda's border"; and whereas at the hearings Uganda stated:

> "At the time of lodging the Application on 23 June 1999, the Government of Uganda and the Government of the Democratic Republic of the Congo, along with other parties to the conflict, were already actively involved in direct negotiations aimed at resolving the conflict and establishing a framework for peace in the region. This was eventually achieved when the Lusaka Agreement was signed . . . Uganda therefore views any moves to seek alternative ways of solving the dispute as an act of bad faith and ultimately as a form of undermining the entire peace process";

whereas it explained that "on its part, [it] has endeavoured to fulfil all its obligations laid down in the Lusaka Agreement", and that "with respect to the events in Kisangani, Uganda has fully complied with the United Nations resolutions in the matter and completely withdrawn its troops from the city"; whereas it stated itself "ready to withdraw all its troops from the territory of the Democratic Republic of the Congo in accordance with the Lusaka Agreement and in accordance with the relevant resolutions of the United Nations Security Council"; and whereas it stressed that any immediate and unilateral withdrawal of its forces, as now being requested by the Congo, would be in fundamental conflict with the Lusaka Agreement and the Kampala Disengagement Agreement, under which the Congo itself agreed that "foreign forces would be withdrawn [from its territory] subject to a precise timetable and following a sequence of defined events";

25. Whereas at the hearings Uganda also asserted that "both the Application and the request for provisional measures are based on preposterous allegations that are not backed by any evidence whatsoever before this Court", and that there was "no amassing of troops on our common border with the Democratic Republic of the Congo or on any border with any of the neighbouring States"; and whereas in consequence it asked the Court to

> "reject the Application for interim measures so that the Parties can concentrate on implementing the resolution of the Security Council and in fulfilling their obligations under the Lusaka Agreement which has gained regional and international acceptance as the most viable means of ending the current conflict in the Democratic Republic of the Congo";

26. Whereas at the hearings Uganda contended that "in the circumstances the request of the Democratic Republic of the Congo is inadmissible, and this for the reason that as a matter of law the Court is prevented from exercising its powers under Article 41 of the Statute"; whereas in this connection it referred to the Orders made by the Court on 14 April 1992 in the cases concerning *Questions of*

Interpretation and Application of the 1971 Montreal Convention arising from the Aerial Incident at Lockerbie (Libyan Arab Jamahiriya v. *United Kingdom)* and *(Libyan Arab Jamahiriya* v. *United States of America)*; and whereas it argued that "the subject-matter of the request for interim measures is essentially the same as the matters addressed by . . . Security Council resolution [1304] of 16 June [2000]" and that "the principles invoked by the Court in the *Lockerbie* cases of 1992 must . . . apply";

27. Whereas at the hearings Uganda argued in the alternative that

> "even if the Court had a prima facie competence by virtue of Article 41, there are concerns of propriety and judicial prudence which strongly militate against the exercise of the discretion which the Court has in the indication of interim measures";

whereas it pointed out that "the Congolese request has the same subject-matter as the Security Council resolution", that "the Republic of Uganda accepts the resolution which was, in any event, adopted in accordance with Chapter VII of the Charter and is therefore binding", and that, "pursuant to the resolution, the Republic of Uganda has withdrawn all its forces from Kisangani"; and whereas it accordingly concluded that "the request has in practical terms been rendered redundant"; whereas Uganda asserted that "all the relevant States and other interested parties have expressly agreed to the resolution of outstanding issues exclusively by recourse to the modalities established by the Lusaka Agreement and the subsequent peace process", and that "[t]he Lusaka Agreement is the relevant regional public order system and in the text of the Security Council resolution this is effectively recognized"; whereas Uganda contended that "the Court should not grant interim measures because the requesting State has not complied with the normal and necessary standards of procedural fairness"; whereas it stated that "the Court has not yet received the Memorial of the requesting State", that "[t]he Application is, of course, available . . . but the allegations contained in the Application have no relation to the Republic of Uganda or its armed forces", that "the request itself is deficient in substance and is unsupported by any evidence", and that there is a problem of "adequate notice to the respondent State" (request submitted on 19 June 2000, Congo's argument presented on 26 June 2000); whereas it made the point, "on the question of procedural fairness", that the "requesting State has seen fit to single out Uganda in these proceedings", although "[the Lusaka Agreement] was signed by six States, all of which are bound by the provisions for disengagement, not just Uganda", and "the Security Council resolution of 16 June calls on 'all parties' . . . to cease hostilities and makes several references to the Rwandan forces"; and whereas Uganda referred also to the principle of the *Monetary Gold* case";

28. Whereas at the hearings Uganda stressed that "any action . . . by [its] armed forces . . . has been in accordance with the principles of the United Nations Charter"; and whereas it explained, with reference to "activities of armed bands operating from Congolese territory", that "[i]n responding to these threats to its territorial integrity and security, Uganda acted by virtue of Article 51 of the Charter";

29. Whereas at the hearings Uganda argued that there was an "absence of any clear link between the request and the original claim", as the latter "[did] not . . . relate to any conflict between Ugandan and Rwandan armed forces"; and whereas it asserted that "the [Congo's] request [fails to satisfy] the requirement of urgency or the risk of irreparable damage" and that there cannot "be an element of urgency after the Congo has waited for almost a year before making a complaint";

30. Whereas at the hearings Uganda stated that "the Lusaka Agreement is a comprehensive system of public order, signed by the Heads of State of six African States and the leaders of three Congolese rebel groups", and that "it is a binding international agreement that constitutes the governing law between and among the parties to the conflict in the Democratic Republic of the Congo, and between the Democratic

Republic of the Congo and Uganda in particular"; whereas it maintained that "the parties to the Lusaka Agreement, including the Democratic Republic of the Congo and Uganda, continue to express their full support for the Agreement", and that "[t]he Security Council and the Secretary-General have repeatedly declared that [this] Agreement is the only viable process for achieving peace within the Democratic Republic of the Congo and for achieving peace between the Democratic Republic of the Congo and its neighbours"; and whereas Uganda emphasized that "the specific interim measures requested by the Democratic Republic of the Congo directly conflict with the Lusaka Agreement, and with the Security Council resolutions - including resolution 1304 . . . - calling for implementation of the Agreement";

31. Whereas, in response to the arguments put forward by Uganda, the Congo contended *inter alia*, with regard to the requirement of urgency, that "at all events, the fact that a request may not have been submitted cannot support a claim of lack of urgency", and pointed out that "the three attacks on Kinsangani, one of them just weeks ago, have once again demonstrated the dangers and irreparable risks to which its inhabitants are exposed as a result of the continuing presence of foreign armies on Congolese territory"; whereas, as regards one of Uganda's arguments deriving from Security Council resolution 1304, the Congo stated that "no incompatibility can be shown between the text of the resolution and the text of the requests"; whereas, as to Uganda's argument on the "absence of Rwanda", the Congo observed, citing the Court's case-law, that an applicant State is "entitled to isolate procedurally a specific relationship with another State"; and whereas, in response to Uganda's argument on the Lusaka Agreement, the Congo observed that this Agreement "can in no circumstances negate [the rules on the prohibition of the use of force and on the prohibition of aggression and of occupation]", and that it "merely prescribes the procedures for a withdrawal but cannot in any event compromise the requirement of withdrawal";

*

* *

32. Whereas the two Parties have each made a declaration recognizing the jurisdiction of the Court in accordance with Article 36, paragraph 2, of the Statute; whereas the declaration of Uganda was deposited with the Secretary-General of the United Nations on 3 October 1963 and that of the Congo (formerly Zaire) on 8 February 1989; whereas neither of the two declarations includes any reservation; and whereas Uganda stated in its declaration that it was made on the sole condition of reciprocity;

33. Whereas on a request for the indication of provisional measures the Court need not, before deciding whether or not to indicate such measures, finally satisfy itself that it has jurisdiction on the merits of the case, yet it may not indicate them unless the provisions invoked by the Applicant appear, prima facie, to afford a basis on which the jurisdiction of the Court might be founded;

34. Whereas the Court considers that the declarations made by the Parties in accordance with Article 36, paragraph 2, of the Statute constitute a prima facie basis upon which its jurisdiction in the present case might be founded;

* *

35. Whereas, in its request for the indication of provisional measures, the Congo refers to resolution 1304 (2000), adopted by the United Nations Security Council on 16 June 2000; whereas that resolution was adopted by the Security Council acting under Chapter VII of the Charter of the United Nations; and whereas, in the said resolution, the Security Council:

"1. *Calls on* all parties to cease hostilities throughout the territory of the Democratic Republic of the Congo and to fulfil their obligations under the Ceasefire Agreement and the relevant provisions of the 8 April 2000 Kampala disengagement plan;

2. *Reiterates* its unreserved condemnation of the fighting between Ugandan and Rwandan forces in Kisangani in violation of the sovereignty and territorial integrity of the Democratic Republic of the Congo, and *demands* that these forces and those allied to them desist from further fighting;

3. *Demands* that Ugandan and Rwandan forces as well as forces of the Congolese armed opposition and other armed groups immediately and completely withdraw from Kisangani, and *calls on* all parties to the Ceasefire Agreement to respect the demilitarization of the city and its environs;

4. *Further demands*:

(a) that Uganda and Rwanda, which have violated the sovereignty and territorial integrity of the Democratic Republic of the Congo, withdraw all their forces from the territory of the Democratic Republic of the Congo without further delay, in conformity with the timetable of the Ceasefire Agreement and the 8 April 2000 Kampala disengagement plan;

(b) that each phase of withdrawal completed by Ugandan and Rwandan forces be reciprocated by the other parties in conformity with the same timetable;

(c) that all other foreign military presence and activity, direct and indirect, in the territory of the Democratic Republic of the Congo be brought to an end in conformity with the provisions of the Ceasefire Agreement;

5. In this context *demands* that all parties abstain from any offensive action during the process of disengagement and of withdrawal of foreign forces;

6. *Requests* the Secretary-General to keep under review arrangements for deployment of the personnel of the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC), as authorized and in conditions defined by resolution 1291 (2000), to monitor the cessation of hostilities, disengagement of forces and withdrawal of foreign forces as described in paragraphs 1 to 5 above and to assist in the planning of these tasks, and *requests also* the Secretary-General to recommend any adjustment that may become necessary in this regard;

7. *Calls on* all parties, in complying with paragraphs 1 to 5 above, to cooperate with the efforts of MONUC to monitor the cessation of hostilities, disengagement of forces and withdrawal of foreign forces;

8. *Demands* that the parties to the Ceasefire Agreement cooperate with the deployment of MONUC to the areas of operations deemed necessary by the Special Representative of the Secretary-General, including by lifting restrictions on the freedom of movement of MONUC personnel and by ensuring their security;

9. *Calls on* all the Congolese Parties to engage fully in the National Dialogue process as provided for in the Ceasefire Agreement, and *calls in particular on* the Government of the

Democratic Republic of the Congo to reaffirm its full commitment to the National Dialogue, to honour its obligations in this respect and to cooperate with the Facilitator designated with the assistance of the OAU and to allow for the full participation of political opposition and civil society groups in the dialogue;

10. *Demands* that all parties cease all forms of assistance and cooperation with the armed groups referred to in Annex A, Chapter 9.1 of the Ceasefire Agreement;

11. *Welcomes* efforts made by the parties to engage in a dialogue on the question of disarmament, demobilization, resettlement and reintegration of members of all armed groups referred to in Annex A, Chapter 9.1 of the Ceasefire Agreement, and *urges* the parties, in particular the Government of the Democratic Republic of the Congo and the Government of Rwanda, to continue these efforts in full cooperation;

12. *Demands* that all parties comply in particular with the provisions of Annex A, Chapter 12 of the Ceasefire Agreement relating to the normalization of the security situation along the borders of the Democratic Republic of the Congo with its neighbours;

13. *Condemns* all massacres and other atrocities carried out in the territory of the Democratic Republic of the Congo, and *urges* that an international investigation into all such events be carried out with a view to bringing to justice those responsible;

14. *Expresses* the view that the Governments of Uganda and Rwanda should make reparations for the loss of life and the property damage they have inflicted on the civilian population in Kisangani, and *requests* the Secretary-General to submit an assessment of the damage as a basis for such reparations;

15. *Calls on* all the parties to the conflict in the Democratic Republic of the Congo to protect human rights and respect international humanitarian law;

16. *Calls also on* all parties to ensure the safe and unhindered access of relief personnel to all those in need, and *recalls* that the parties must also provide guarantees for the safety, security and freedom of movement for United Nations and associated humanitarian relief personnel;

17. *Further calls on* all parties to cooperate with the International Committee of the Red Cross to enable it to carry out its mandate as well as the tasks entrusted to it under the Ceasefire Agreement;

18. *Reaffirms* the importance of holding, at the appropriate time, an international conference on peace, security, democracy and development in the Great Lakes region under the auspices of the United Nations and of the OAU, with the participation of all the Governments of the region and all others concerned;

19. *Expresses* its readiness to consider possible measures which could be imposed in accordance with its responsibility under the Charter of the United Nations in the case of failure by parties to comply fully with this resolution;

20. *Decides* to remain actively seized of the matter";

36. Whereas the Court notes Uganda's argument that the Congo's request for the indication of provisional measures concerns essentially the same issues as this resolution, that the said request is accordingly inadmissible, and that the request is, moreover, moot, since Uganda fully accepts the resolution in question and is complying with it; whereas Security Council resolution 1304 (2000), and the measures taken in its implementation, do not preclude the Court from acting in accordance with its Statute and with the Rules of Court; whereas in particular, as the Court has already had occasion to observe,

> "while there is in the Charter
>
> > 'a provision for a clear demarcation of functions between the General Assembly and the Security Council, in respect of any dispute or situation, that the former should not make any recommendation with regard to that dispute or situation unless the Security Council so requires, there is no similar provision anywhere in the Charter with respect to the Security Council and the Court. The Council has functions of a political nature
> >
> > assigned to it, whereas the Court exercises purely judicial functions. Both organs can therefore perform their separate but complementary functions with respect to the same events' (*Military and Paramilitary Activities in and against Nicaragua (Nicaragua* v. *United States of America), Jurisdiction and Admissibility, Judgment, I.C.J. Reports 1984*, pp. 434-435, para. 95);"
> > (*Application of the Convention on the Prevention and Punishment of the Crime of Genocide, Provisional Measures, Order of 8 April 1993, I.C.J. Reports 1993,* p. 19, para. 33);

and whereas in the present case the Security Council has taken no decision which would prima facie preclude the rights claimed by the Congo from "be[ing] regarded as appropriate for protection by the indication of provisional measures" (*Questions of Interpretation and Application of the 1971 Montreal Convention arising from the Aerial Incident at Lockerbie (Libyan Arab Jamahiriya v. United Kingdom), Provisional Measures, Order of 14 April 1992,* p. 15, para. 40);

37. Whereas the Court has taken note of the Lusaka Agreement, to which Security Council resolution 1304 (2000) refers a number of times; whereas that Agreement constitutes an international agreement binding upon the Parties; whereas it does not, however, preclude the Court from acting in accordance with its Statute and with the Rules of Court;

38. Whereas, furthermore, the Court is not precluded from indicating provisional measures in a case merely because a State which has simultaneously brought a number of similar cases before the Court seeks such measures in only one of them; and whereas, pursuant to Article 75, paragraph 1, of its Rules, the Court may in any event decide to examine *proprio motu* whether the circumstances of the case require the indication of provisional measures;

* *

39. Whereas the power of the Court to indicate provisional measures under Article 41 of the Statute of the Court has as its object to preserve the respective rights of the parties pending the decision of the Court, and presupposes that irreparable prejudice shall not be caused to rights which are the subject of dispute in judicial proceedings; whereas it follows that the Court must be concerned to preserve by such measures the rights which may subsequently be adjudged by the Court to belong either to the Applicant

or to the Respondent; and whereas such measures are only justified if there is urgency;

40. Whereas the rights which, according to the Congo's Application, are the subject of the dispute are essentially its rights to sovereignty and territorial integrity and to the integrity of its assets and natural resources, and its rights to respect for the rules of international humanitarian law and for the instruments relating to the protection of human rights; and whereas it is upon the rights thus claimed that the Court must focus its attention in its consideration of this request for the indication of provisional measures;

41. Whereas the Court is in possession of information on the facts of this case, and in particular that contained in the above-mentioned Security Council resolution 1304 (2000) of 16 June 2000; whereas, however, the Court's duty at this stage of the proceedings is limited to examining whether the circumstances brought to its attention require the indication of provisional measures; and whereas it cannot make definitive findings of fact or of imputability, since the right of each of the Parties to submit arguments in respect of the merits must remain unaffected by the Court's decision;

42. Whereas it is not disputed that at this date Ugandan forces are present on the territory of the Congo, that fighting has taken place on that territory between those forces and the forces of a neighbouring State, that the fighting has caused a large number of civilian casualties in addition to substantial material damage, and that the humanitarian situation remains of profound concern; and whereas it is also not disputed that grave and repeated violations of human rights and international humanitarian law, including massacres and other atrocities, have been committed on the territory of the Democratic Republic of the Congo;

43. Whereas, in the circumstances, the Court is of the opinion that persons, assets and resources present on the territory of the Congo, particularly in the area of conflict, remain extremely vulnerable, and that there is a serious risk that the rights at issue in this case, as noted in paragraph 40 above, may suffer irreparable prejudice; whereas the present urgency in the situation cannot be in any way affected by the fact that the Congo did not present its request for provisional measures at the same time as its Application; and whereas the Court consequently considers that provisional measures must be indicated as a matter of urgency in order to protect those rights; whereas Article 75, paragraph 2, of the Rules of Court empowers the Court to indicate measures that are in whole or in part other than those requested;

44. Whereas, independently of requests for the indication of provisional measures submitted by the parties to preserve specific rights, the Court possesses by virtue of Article 41 of the Statute the power to indicate provisional measures with a view to preventing the aggravation or extension of the dispute whenever it considers that circumstances so require (*Land and Maritime Boundary between Cameroon and Nigeria, Provisional Measures, Order of 15 March 1996, I.C.J. Reports 1996*, pp. 22-23, para. 41); whereas, having regard to the information at its disposal, and in particular the fact that the Security Council has determined, in its resolution 1304 (2000), that the situation in the Congo "continues to constitute a threat to international peace and security in the region", the Court is of the opinion that there exists a serious risk of events occurring which might aggravate or extend the dispute or make it more difficult to resolve;

* *

45. Whereas, in view of the foregoing considerations, the Court finds that the circumstances require it to indicate provisional measures, as provided for in Article 41 of the Statute of the Court;

46. Whereas a decision in the present proceedings in no way prejudges the question of the jurisdiction of the Court to deal with the merits of the case, or any questions relating to the merits themselves, and

leaves unaffected the right of the Governments of the Congo and of Uganda to submit arguments in respect of those questions;

*

* *

47. For these reasons,

The Court,

Indicates, pending a decision in the proceedings instituted by the Democratic Republic of the Congo against the Republic of Uganda, the following provisional measures:

(1) Unanimously,

Both Parties must, forthwith, prevent and refrain from any action, and in particular any armed action, which might prejudice the rights of the other Party in respect of whatever judgment the Court may render in the case, or which might aggravate or extend the dispute before the Court or make it more difficult to resolve;

(2) Unanimously,

Both Parties must, forthwith, take all measures necessary to comply with all of their obligations under international law, in particular those under the United Nations Charter and the Charter of the Organization of African Unity, and with United Nations Security Council resolution 1304 (2000) of 16 June 2000;

(3) Unanimously,

Both Parties must, forthwith, take all measures necessary to ensure full respect within the zone of conflict for fundamental human rights and for the applicable provisions of humanitarian law.

Done in French and in English, the French text being authoritative, at the Peace Palace, The Hague, this first day of July two thousand, in three copies, one of which will be placed in the archives of the Court and the others transmitted to the Government of the Democratic Republic of the Congo and the Government of Uganda, respectively.

(Signed) Gilbert Guillaume,
President.

(Signed) Philippe Couvreur,
Registrar.

Judges ODA and KOROMA append declarations to the Order of the Court.

(Initialled) G. G.

(Initialled) Ph. C.

Declaration of Judge Oda

1. I voted in favour of the Court's Order only because I could not but agree that, in order to restore peace in the region, the measures indicated by the Court in this Order should be taken by the Parties - measures on which few would ever disagree.

2. I believe, however, that the Court is *not* in a position at this time to grant provisional measures for the reason that the present case, brought unilaterally by the Democratic Republic of the Congo against Uganda on 23 June 1999, is - and has from the outset been - *inadmissible*.

*

3. The Applicant claims that the *disputes* are related to "acts of armed aggression perpetrated by Uganda on the territory of the Democratic Republic of the Congo". Various relevant resolutions adopted by the Security Council in the past few years appear to indicate that the "armed aggression" might be the result of political turmoil in the Democratic Republic of the Congo, caused by fighting between rival factions and government forces and involvement in that internal friction by the armed forces of foreign countries, including Uganda.

4. The mere allegation by the Applicant that there has been "armed aggression" perpetrated by the Respondent in its territory does not mean that *legal disputes* exist between these Parties concerning (i) the alleged breach of the Applicant's rights by the Respondent or the alleged failure of the Respondent to observe its international legal obligations to the Applicant, and (ii) the denial by the Respondent of the Applicant's allegations.

The Applicant in this case did not, in its Application, show us that both Parties had attempted to identify the *legal disputes* existing between them and to resolve those disputes by negotiation. Without such a mutual effort by the Parties, a mere allegation of armed aggression cannot be deemed suitable for judicial settlement by the Court.

The issues arising from unstable conditions in a disintegrating State cannot constitute legal disputes before this Court, whose main function is to deal with the rights and obligations of States. Unilateral referral to the Court of acts of armed aggression in which a State is directly involved does not fall within the purview of Article 36, paragraph 2, of the Court's Statute.

5. I do not need to point out that the United Nations Charter provides for the settlement, through the Security Council, of disputes raising issues of armed aggression and threats to international peace, of the type seen in the present case. In fact, the Security Council, as well as the Secretary-General acting on its instructions, has made every effort over the past several years to ease the situation and restore peace in the region.

*

6. I contend that the Application in the present case is *inadmissible*. I am aware that the issue of admissibility may well be dealt with at the merits stage of the case. I believe, however, that the present case lacks, even prima facie, the element of admissibility. The jurisprudence of the Court shows that judgments rendered by the Court and provisional measures indicated by it in advance of the merits phase have not necessarily been complied with by the respondent States or by the parties.

If the Court agrees to be seised of the application or request for the indication of provisional measures of one State in such circumstances, then the repeated disregard of the judgments or orders of the Court by the parties will inevitably impair the dignity of the Court and raise doubt as to the judicial role to be played by the Court in the international community.

7. It is a principle that the Court's jurisdiction is founded on the consent of the States parties to the dispute and that declarations under the optional clause accepting the Court's compulsory jurisdiction may be made only if they arise from the bona fide will of the State. One can hardly believe that the present case stems from any *legal dispute* between two parties appearing willingly and in good faith before the Court.

If the Court admits applications or grants requests for provisional measures on the condition that an application is admissible, I am afraid that States that have accepted the compulsory jurisdiction of the Court under Article 36, paragraph 2, of the Court's Statute will be inclined to withdraw their declarations, and fewer States will accede to the compromissory clauses of multilateral treaties.

*

8. Furthermore, in the present case, I note that a State appearing before the Court is not represented by a person holding high office in the Government acting as Agent, but by a private lawyer from another, highly developed, country. This has rarely been the case in the history of the Court and reinforces my feeling that a question arises as to whether the case is brought to the Court in the interest of the State involved or for some other reason. I would like to repeat here a passage from an article I published a few months ago:

> "I personally wonder, in the light of the increasing number of unilateral applications, whether the offhand or casual unilateral referral of cases by some States (which would simply appear to be instigated by ambitious private lawyers in certain developed countries), without the Government of the State concerned first exhausting diplomatic channels, is really consistent with the purpose of the International Court of Justice as the principal judicial organ of the United Nations. I see what may be termed an abuse of the right to institute proceedings before the Court. Past experience appears to indicate that irregular procedures of this nature will not produce any meaningful results in the judiciary." (Oda, S., "The Compulsory Jurisdiction of the International Court of Justice: A Myth? - A Statistical Analysis of Contentious Cases", *The International and Comparative Law Quarterly*, Vol. 49 (2000), p. 265.)

(Signed) Shigeru Oda.

Declaration of Judge Koroma

By this Order, the Court recognized on the basis of information available to it and took judicial notice that, since the recent outbreak of hostilities in Kisangani resulting in a serious breach of the peace, the Congolese civilian population has suffered irreparable harm and injury with hundreds killed and thousands injured; that national assets, including monuments, have also been destroyed; that for these reasons unless measures are urgently taken to safeguard the rights of the Congolese population and to preserve human life, they may be further imperilled. The matter is therefore, without question, one of urgency and exceptional gravity. The Court, in the case concerning the *United States Diplomatic and Consular Staff in Tehran* (*Provisional Measures, Order of 15 December 1979, I.C.J. Reports 1979*, p. 20, para. 42) and in that concerning the *Land and Maritime Boundary between Cameroon and Nigeria (Cameroon* v. *Nigeria)* (*Provisional Measures, Order of 15 March 1996, I.C.J. Reports 1996 (I)*, p. 23, para. 42), held that death and injury to persons are to be considered irreparable damage. The Court has made an analogous determination in this case. The legal criteria for granting the Order were, accordingly, all satisfied.

While the Order recognizes that Security Council resolution 1304 (2000) of 16 June 2000 calls on *all* parties to cease hostilities, the Court, as a court of law and given its position as the principal judicial organ of the United Nations, juridically assessed the issues and has cast its Order in accordance with judicial norms. The Order must, therefore, be seen in the light of Article 59 of the Statute of the Court and Article 94 of the United Nations Charter. The Order enjoins both Parties to take all measures necessary to respect fundamental human rights and the applicable provisions of humanitarian law, and to prevent their armed forces, or other groups under their authority or control, from taking any action which might prejudice the rights of the other Party in respect of any judgment the Court may render in the case, or which might aggravate or extend the dispute.

Thus, in endeavouring to preserve the peace as well as preserve the rights of the Parties, the Order is to be seen as part of the process of the judicial settlement of the dispute. It is, accordingly, of special significance for the Parties, who should refrain from any action which might aggravate or extend the dispute, thereby preventing further harm to the population in the zone of conflict.

The Order in no way prejudges the facts or the merits of the case.

(Signed) Abdul G. Koroma.

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Security Council

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6 July 2000
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Letter dated 30 June 2000 from the Permanent Representative of Portugal to the United Nations addressed to the Secretary-General

I have the honour to bring to your attention the statement issued on 29 June 2000 by the Presidency of the European Union on behalf of the European Union on the border treaty between Saudi Arabia and Yemen (see annex).

I should be grateful if you would have the text of this letter and its annex circulated as a document of the Security Council.

(*Signed*) António **Monteiro**
Permanent Representative of Portugal to the United Nations

00-52141 (E) 070700 070700

Annex to the letter dated 30 June 2000 from the Permanent Representative of Portugal to the United Nations addressed to the Secretary-General

[Original: English, French]

Statement issued on 29 June 2000 by the Presidency of the European Union on behalf of the European Union on the border treaty between Saudi Arabia and Yemen

The European Union welcomes the ratification of the treaty on the demarcation of the sea and land borders between the Kingdom of Saudi Arabia and the Republic of Yemen signed on 12 June 2000 in Jiddah. The European Union considers that this agreement will serve both countries' interests and contribute to maintaining stability in the region and to the development of economic and regional cooperation.

United Nations S/2000/656

Security Council

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Letter dated 30 June 2000 from the Permanent Representative of Portugal to the United Nations addressed to the Secretary-General

I have the honour to enclose herewith the text of the statement issued on 30 June 2000 by the Presidency of the European Union on behalf of the European Union on the civil war in Sudan (see annex).

I should be grateful if you could arrange to have the text of the present letter and the annexed statement circulated as a document of the Security Council.

(*Signed*) António **Monteiro**
Permanent Representative

00-52067 (E) 070700 070700

Annex to the letter dated 30 June 2000 from the Permanent Representative of Portugal to the United Nations addressed to the Secretary-General

[Original: English/French]

Statement issued on 30 June 2000 by the Presidency of the European Union on behalf of the European Union on the civil war in Sudan

The European Union shares fully the conclusions of the sixth meeting of the Committee on Sudan of the Intergovernmental Authority on Development (IGAD) Partners' Forum, held in Oslo on 20 June 2000. In this context, the European Union wishes to make clear its grave concerns regarding the offensive launched by the Sudanese People's Liberation Movement/Army (SPLM/A) in the region of Bahr al-Ghazal.

The European Union calls for the humanitarian ceasefire commitments given to be respected and expresses the hope that a global and unlimited ceasefire may be proclaimed by the parties as soon as possible.

The European Union has taken note of the SPLM/A statement of 19 June 2000 declaring its return to the peace talks, and calls upon the Government of the Sudan and the SPLM/A to resume rapidly the peace negotiations under the auspices of IGAD.

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Security Council

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6 July 2000

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Letter dated 5 July 2000 from the Secretary-General addressed to the President of the Security Council

I am pleased to forward to you the attached note from the Joint United Nations Programme on HIV/AIDS (UNAIDS), which summarizes actions taken to date as a follow-up to the meeting on human immunodeficiency virus/acquired immunodeficiency syndrome (HIV/AIDS) in Africa, which was held in the Security Council on 10 January 2000 (see annex).

I would be grateful if you would make the note available to members of the Security Council.

(*Signed*) Kofi A. **Annan**

00-52115 (E) 060700

Annex

Follow-up to the Security Council meeting on HIV/AIDS in Africa

Note prepared by Joint United Nations Programme on HIV/AIDS

Introduction

1. The present note summarizes actions taken to date, in responding to the requests and recommendations made at the Security Council meeting on human immunodeficiency virus/acquired immunodeficiency syndrome (HIV/AIDS) in Africa, held on 10 January 2000. The meeting helped to raise the issue of the HIV/AIDS epidemic to new levels of understanding and sharpened awareness of its impact far beyond the health and social sectors.

Intensifying United Nations clearing house efforts on HIV/AIDS in Africa within the United Nations

2. Several concrete steps have been taken and further progress is under way. A system for the regular sharing of information via electronic information bulletins and web sites is now operational. Not only will this improve information flow but it will also foster the exchange of learning and experience on an unprecedented scale.

3. One of the most comprehensive initiatives in this regard is the country response monitoring project, which will take shape beginning in July 2000. This effort, supported by the Joint United Nations Programme on HIV/AIDS (UNAIDS), the United States Agency for International Development, the Department for International Development of the United Kingdom and the Swedish International Development Agency, will enable easy access through the World Wide Web to the latest summary information on the epidemic in specific countries. This information will include regular updates on the Programme and on the financial support of various international partners to national responses to the epidemic.

4. The two measures outlined above are part of a broader communications strategy that is being developed in consultation with a wide range of partners. The objectives of this strategy are to enhance both the dissemination of information and the systematic collection of data from countries.

5. In regard to more systematic follow-up on HIV/AIDS issues within the various United Nations system governing boards, councils, committees and conferences, progress includes the following: a special meeting of the Economic and Social Council was held at the request of the President of the Security Council on the development aspects of the HIV/AIDS epidemic; an informal meeting of the Economic and Social Council Ambassadors with the Board of Directors of the World Bank discussed HIV/AIDS, among other issues; the inclusion of AIDS as an item for discussion at the Development Committee meeting during the World Bank's annual session in April 2000; a focus on the impact of HIV/AIDS by the Preparatory Committee for the Special Session of the General Assembly for Follow-up to the World Summit for Children in 2001; a special discussion on HIV/AIDS during the spring session of the Administrative Committee on Coordination, held in April 2000; a session dedicated to HIV/AIDS as part of the International Labour Conference on 8 June 2000; and consideration of key issues and the issuing of

resolutions by the World Health Assembly, as well as by the Governing Board of the United Nations Educational, Scientific and Cultural Organization in May 2000.

Intensifying efforts to address HIV/AIDS in emergencies, conflict situations and in the uniformed services in Africa

6. As a follow-up to the Security Council discussions, the Inter-Agency Standing Committee (IASC) working group met in February 2000 to discuss the development of strategies for addressing HIV/AIDS. On 19 May 2000, the IASC working group was presented with an action plan developed by IASC members and the UNAIDS secretariat. The plan fully integrates HIV/AIDS into humanitarian action and focuses on the following issues: the role of the military and peacekeeping forces in the prevention and spread of HIV; the epidemic's potential to contribute to social instability and emergency situations; and the need for a set of basic measures to ensure minimum standards of prevention and care before, during and immediately after conflicts or disasters occur. IASC endorsed the work plan and asked the UNAIDS secretariat to facilitate its implementation in collaboration with IASC members and other key partners. To fulfil this responsibility, the UNAIDS secretariat has established the Humanitarian Coordination Unit as of 1 June 2000.

7. Discussions have also been held with the Department of Peacekeeping Operations and the Civil Military Alliance, a UNAIDS collaborating centre, focusing on ways in which conflict and humanitarian situations sometimes bring about an elevated risk of HIV transmission for refugees and host communities as well as for United Nations and NGO personnel. The goal is to promote responsible and safe behaviour among staff providing humanitarian aid and peacekeeping troops, as well as to ensure that they are fully aware of preventive measures to protect themselves against infection. Specific follow-up actions include the following: expanding the pool of training expertise; briefing and updating those who are going to the field before and during deployment; and the development of a United Nations medical policy on HIV/AIDS for personnel associated with United Nations missions, including ensuring adequate supplies of condoms etc. The UNAIDS secretariat will be working closely with the World Health Organization, the United Nations Population Fund and the Department of Peacekeeping Operations in all of the above-mentioned areas.

Progress in developing the International Partnership against AIDS in Africa

8. The Framework for Action of the International Partnership against AIDS in Africa (IPAA) is now completed and comprises a set of principles, goals, and targets that have been agreed upon by all five constituencies of the Partnership. IPAA brings together, under the leadership of African Governments, the United Nations system, donor Governments, the private sector and the community sector. The IPAA Framework for Action provides the basis for moving forward in this path-breaking endeavour; it will be continually discussed, shaped and refined in response to the evolution of the epidemic as well as the expansion of the Partnership itself.

9. The Framework has so far been endorsed by the Conference of the African Ministers of Health in Ouagadougou in May 2000 and by the Programme Coordinating Board of UNAIDS. In endorsing the Framework, the Board asked for its immediate implementation, stressing the need for clear ownership by the African

Governments involved; scaled-up action; improved communication flows; and mobilization of financial and human resources.

10. In addition to the development of the Framework, some progress has also been made at the country level. In Malawi, a round-table meeting was organized to mobilize funds for the implementation of the national HIV/AIDS strategic framework. This was successful in mobilizing commitments that cover 70 per cent of the US$ 121 million required. In Burkina Faso and Ghana, special funds have been created for the purpose of responding to the HIV/AIDS epidemic. In Ethiopia, mechanisms for channelling resources to rural communities, such as the inclusion of an HIV/AIDS component within the Ethiopian Social Rehabilitation and Development Fund, are being identified. In Mozambique, comprehensive sector plans in health and education have been completed, and in the United Republic of Tanzania efforts have been undertaken to establish a national body to coordinate the multisectoral response.

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Letter dated 6 July 2000 from the Permanent Representative of the Democratic Republic of the Congo to the United Nations addressed to the President of the Security Council

Acting on instructions from my Government, I have the honour to inform you that serious violations of human rights and of international humanitarian law continue to be perpetrated against the innocent civilian population in the provinces of Nord and Sud Kivu and in Orientale province, even though Ugandan and Rwandan troops have moved away from the centre of the town of Kisangani.

My Government wishes to point out that in the Congolese regions of Rutshuru, Lubero and Beni (Orientale province), the seriousness of the violence caused by the Ugandan army has prompted more than 104,185 people, with some 62,500 children, to move, and that all are being held in Kanyabayonga without any humanitarian assistance.

My Government also wishes to inform the Security Council that there are reliable reports of the systematic persecution of Congolese civilians of the Lendu tribe by Ugandan troops.

My Government also wishes to point out that in Sud Kivu province, close to Burundi, the coalition of troops of the regular armies of Rwanda and Burundi and rebels of the Rassemblement congolais pour la démocratie who occupy that province, daily commit inhuman and barbarous acts, including numerous rapes of young girls.

My Government also wishes to recall that the resumption, on Friday, 5 May 2000, of fighting between troops of the regular armies of Rwanda and Uganda in the Congolese town of Kisangani seriously affected Nord Kivu province and that scenes of violence against the Congolese population in that part have also been observed there.

My Government wishes to inform the Security Council that, at a time when the Congolese population of Kisangani was being exterminated by the regular armed forces of Rwanda and Uganda, the Buito region — and more specifically the villages in the vicinity of Kibirizi in Nord Kivu — were paying the same price for the deadly folly of Rwanda and Uganda; the toll is more than 200 dead.

My Government wishes to point out that this violence fairly often takes place in that part of the country during armed attacks by the Rwandan Patriotic Army on the Congolese civilian population, the aim being to empty the Congolese villages of their inhabitants.

00-52109 (E) 060700 060700

My Government notes, once again, that the repeated gross violations of human rights and international humanitarian law committed by Rwanda, Burundi and Uganda in Congolese territory is a reflection of the sense of security and encouragement which the aggressors feel as they have been allowed to act with impunity, and in the absence of any condemnation from the Security Council since they first ventured into Congolese territory.

Consequently, my Government once again invites the Security Council to do justice by going beyond mere statements and to consider specific action to:

(a) Cause Rwanda, Uganda and Burundi to cease forthwith and completely their policy of extermination of the Congolese population and to abide strictly by the Lusaka Agreement and the other relevant commitments which they have entered into freely;

(b) Establish a team to investigate the massacres and other atrocities committed by Rwanda, Uganda and Burundi against the Congolese population so as to identify those responsible and bring them before the courts in accordance with the relevant provisions of Security Council resolutions 1291 (2000) and 1304 (2000);

(c) Make all necessary arrangements to put an end to the illegal exploitation of the wealth of the Democratic Republic of the Congo, which is fuelling this war of aggression, and to invite these two countries to abide strictly by the Lusaka Agreement and the other relevant commitments stemming therefrom;

(d) Initiate the accelerated, total and complete withdrawal of Rwanda, Uganda and Burundi from the territory of the Democratic Republic of the Congo, which they are occupying in violation of the principles of international law, the Charter of the United Nations and the Charter of the Organization of African Unity and of Security Council resolution 1304 (2000).

My Government requests that this letter be circulated as a document of the Security Council.

(*Signed*) André M. **Kapanga**
Ambassador
Permanent Representative

United Nations S/2000/659

Security Council

Distr.: General
7 July 2000

Original: English

Letter dated 7 July 2000 from the Chairman of the Security Council Committee established pursuant to resolution 1132 (1997) concerning Sierra Leone addressed to the President of the Security Council

I have the honour to refer to resolution 1171 (1998), adopted by the Security Council on 5 June 1998, concerning Sierra Leone. In paragraph 4 of the resolution, the Committee established pursuant to resolution 1132 (1997) concerning Sierra Leone is required to report to the Council on notifications received from States on the export of arms and related *matériel* to Sierra Leone, as well as on notifications of imports of arms and related *matériel* made by the Government of Sierra Leone.

Accordingly, I wish to inform you that the Committee received a notification on 6 July 2000, from the Government of the United Kingdom of Great Britain and Northern Ireland, for the export of the following military goods for use by the Sierra Leone Army: 5,000,000 rounds of 7.62 mm rifle ammunition and 4,000 rounds of 81 mm mortar ammunition. The aforementioned goods are due to be exported from the United Kingdom on 6 July 2000 and will enter Sierra Leone at Lungi International Airport and the Queen Elizabeth II Quay in Freetown.

(*Signed*) Anwarul Karim **Chowdhury**
Chairman
Security Council Committee established pursuant to
resolution 1132 (1997) concerning Sierra Leone

00-52268 (E) 070700

United Nations S/2000/660

Security Council

Distr.: General
7 July 2000

Original: English

Letter dated 7 July 2000 from the Chairman of the Security Council Committee established pursuant to resolution 1132 (1997) concerning Sierra Leone addressed to the President of the Security Council

I have the honour to refer to Security Council resolution 1171 (1998) of 5 June 1998 concerning Sierra Leone, in paragraph 4 of which the Committee established pursuant to resolution 1132 (1997) concerning Sierra Leone is required to report to the Council on notifications received from States on the export of arms and related *matériel* to Sierra Leone, as well as on notifications of imports of arms and related *matériel* made by the Government of Sierra Leone.

Accordingly, I wish to inform you that the Committee received a notification on 6 July 2000 from the Government of the United Kingdom of Great Britain and Northern Ireland for the export of the following military goods for use by the Ghanaian contingent of the United Nations Mission in Sierra Leone: 800 combat helmets (in United Nations blue) and communications equipment. The aforementioned goods were exported by the United Kingdom on 29 and 30 May 2000 directly from Ghana to Lungi International Airport, Freetown.

(*Signed*) Anwarul Karim **Chowdhury**
Chairman
Security Council Committee established pursuant to
resolution 1132 (1997) concerning Sierra Leone

00-52262 (E) 070700

United Nations A/54/936–S/2000/661

General Assembly
Security Council

Distr.: General
8 July 2000

Original: English

General Assembly
Fifty-fourth session
Agenda item 43
The situation in the Middle East

Security Council
Fifty-fifth year

Letter dated 6 July 2000 from the Permanent Representative of Israel to the United Nations addressed to the Secretary-General

I wish to call your attention to a new wave of hostile acts against Israel and Israelis, perpetrated from the Lebanese side of the border and given free rein by the Government of Lebanon. A number of recent Lebanese violations are listed herewith in the annex to the present document. In sum, after the withdrawal of Israeli forces, Lebanon has played host to a wide range of such assaults. Some have targeted unarmed Israelis and even foreign workers in northern farms from across the border, while others have been aimed at Israeli jeeps and convoys, highlighted by intermittent attempts to penetrate or infiltrate the border.

Just yesterday, in the early afternoon, an Israeli soldier near the Phatma Gate was pelted in the skull with stones hurled from the Lebanese side. He suffered serious internal bleeding in the head and is currently hospitalized.

These incidents constitute Lebanese violations of Security Council resolution 425 (1978). The resolution calls not only for the withdrawal of Israeli forces, but also for the restoration of international peace and security and the return of the effective authority of the Lebanese Government in the area. And yet, in violation of these last two provisions, the Government of Lebanon continues to host a series of hostile assaults against the Israeli side of the border from its territory, acting in no way to prevent, restrain or even discourage any such incident. Moreover, Lebanon has thus far failed to deploy its army in the area and to disarm the militia groups, including the terrorist group Hizballah, which participated in some of the attacks.

Israel has withdrawn its forces from Southern Lebanon, in full accordance with resolution 425 — a withdrawal confirmed by the Secretary-General (S/2000/590), whose confirmation was, in turn, endorsed by the Security Council (S/PRST/2000/21). We now call upon the other parties, chiefly the Government of Lebanon, to fulfil their remaining responsibilities under resolution 425. That entails putting an end to these violations of Israeli sovereignty; establishing, at long last, effective Lebanese authority in the area; and acting to bring peace and security to our common border.

00-52298 (E) 100700

I should be grateful if you would have the text of the present letter and its attachment circulated as a document of the General Assembly, under agenda item 43, and of the Security Council.

(*Signed*) Ambassador Yehuda **Lancry**
Permanent Representative

Annex to the letter dated 6 July 2000 from the Permanent Representative of Israel to the United Nations addressed to the Secretary-General

Lebanese violations

28 June 2000 — At 1800 hours five individuals from the Lebanese side of the border, two of them armed, hurled objects towards an Israel Defence Forces (IDF) near the Phatma Gate on the Israeli side.

28 June — At 1930 hours the same individuals on the Lebanese side pelted the IDF post with a new barrage of objects a second time.

28 June — At 1954 hours several people from the Lebanese side hurled objects towards an IDF post situated beside the Phatma Gate, then threw building blocks on an IDF vehicle that arrived at the scene.

29 June — At 0935 hours two individuals from the Lebanese side stood next to an IDF post on the Israeli side near the Phatma Gate and began to hurl objects at the post.

29 June — At 1234 hours an individual hurled objects at IDF soldiers stationed at the Phatma Gate.

29 June — At 1416 hours two individuals from the Lebanese side threw objects at an IDF post near the Phatma Gate.

29 June — At 1448 hours a vehicle bearing Hizballah flags drove past the Phatma Gate on the Lebanese side while thrusting objects at IDF soldiers across the border.

29 June — At 1951 hours five people from the Lebanese side of the border threw stones at IDF soldiers stationed at the Phatma Gate.

29 June — At 2031 hours four individuals from the Lebanese side hurled objects at IDF soldiers south of the Phatma Gate.

29 June — At 2042 hours four people from the Lebanese side of the border hurled objects towards the Israeli side of Phatma Gate.

29 June — At 2137 hours 10 people on the Lebanese side of the border at the Phatma Gate threw objects towards the Israeli side.

29 June — At 2230 hours four individuals from the Lebanese side attacked a group of IDF soldiers stationed on the Israeli side of the Phatma Gate with a barrage of stones.

30 June — At 1138 hours two people on the Lebanese side threw objects towards IDF soldiers stationed on the Israeli side of the border in the vicinity of the Phatma Gate.

30 June — At 1152 hours 40 people on the Lebanese side, some armed, attacked a group of Israeli soldiers with objects hurled over the border just south of the Phatma Gate.

30 June — At 1300 hours two people standing on the Lebanese side threw objects at Thai workers on Israeli farmland adjacent to the Phatma Gate.

30 June — At 1325 hours 25 people standing on the Lebanese side of the border near the Phatma Gate threw stones at an IDF post inside Israeli territory.

30 June — At 1558 hours some 150 people on the Lebanese side of the border threw stones at a civilian car parked on the Israeli side of the border near the Phatma Gate.

Ten minutes later 450 people, some of whom were carrying a Hizballah flag, hurled objects at IDF soldiers stationed at that location.

30 June — At 1603 hours four armed persons wearing unidentifiable uniforms threw objects at IDF soldiers on the Israeli side of the border at B26 (located at approximate map reference (AMR): 177203/278308).

30 June — At 1608 hours, some 80 people from the Lebanese side attacked a group of IDF soldiers with stones thrown in the vicinity of the Phatma Gate.

30 June — At 1614 hours two people wearing uniforms of an unknown type, one armed and the other carrying a camera, hurled objects at IDF soldiers. The incident took place at AMR: 184033/273552, BP14.

30 June — At 1708 hours four people on the Lebanese side of the border hurled objects at an IDF patrol and at civilian farms located on the Israeli side near the Phatma Gate.

30 June — At 1832 hours objects were hurled from the Lebanese side at IDF soldiers, stationed on the Israeli side of the border, just south of the Phatma Gate.

30 June — At 1915 hours four people from the Lebanese side threw objects at an IDF outpost on the Israeli side near the Phatma Gate.

30 June — At 1925 hours three people from the Lebanese side threw objects at Israeli soldiers on the Israeli side just south of the Phatma Gate.

30 June — At 1925 hours an IDF patrol was attacked with a barrage of objects hurled by five people on the Lebanese side (located at AMR: 202650/296814, B82).

30 June — At 1937 hours 45 people, some armed with slingshots, threw objects at IDF soldiers stationed on the Israeli side just south of the Phatma Gate.

30 June — At 2001 hours five Lebanese civilians hurled objects towards the Metula passage on the Israeli side on the northern border. At the same time three people on the Lebanese side came out of civilian vehicles four metres from the fence line and threw objects towards the border south of the Phatma Gate (located at AMR: 202322/295983).

1 July — At 0229 hours six individuals on the Lebanese side threw objects at IDF posts in the Metula passage in northern Israel.

1 July — At 1128 hours an IDF patrol car was barraged with stones (at about the point AMR: 201979/295747) from the Lebanese side of the border. At the same time, some six people threw objects into the Israeli side (in the area between AMRs: 202322/295983 and 201979/295747).

1 July — At 1252 hours 15 people on the Lebanese side of the border hurled objects towards IDF soldiers at the Phatma Gate.

1 July — At 1511 hours some 15 individuals from the Lebanese side threw objects at IDF post B-84 (located at AMR: 203073/297848).

1 July — At 1533 hours an individual on the Lebanese side pointed a gun at an IDF post across the border in the Metula passage, while three individuals hurled objects at the post.

1 July — At 1747 hours individuals on the Lebanese side threw objects at an IDF post in the Metula passage (B-85) on the Israeli side.

1 July — At 1803 hours several Lebanese civilians hurled objects across the border towards an IDF post in the Metula passage.

1 July — At 1909 hours several individuals from the Lebanese side attacked the light posts of IDF post B-84 in the Phatma Gate with a barrage of stones.

1 July — At 1940 hours eight individuals on the Lebanese side hurled objects at an IDF post in the Metula passage on the Israeli side.

2 July — At 0910 hours five individuals from the Lebanese side of the border attacked an IDF post with heavy objects that resulted in the explosion of a light pillar near the post. Subsequently, 30 additional people arrived at the location on the Lebanese side and continued to hurl dozens of objects at the post in repeated volleys.

2 July — At 0951 hours four uniformed individuals from the Lebanese side carrying Hizballah flags, along with several other individuals, hurled heavy objects at the Israeli side just south of the Phatma Gate.

2 July — At 1106 hours four people from the Lebanese side threw objects at an IDF observation point south of the Phatma Gate.

3 July — At 0935 hours two individuals from the Lebanese side threw objects at an IDF observation point 400 metres south of the Phatma Gate.

3 July — At 1015 hours two people on the Lebanese side hurled objects at an IDF observation point (B-85) near the Phatma Gate.

3 July — At 1054 hours 10 people pelted an IDF observation post located at Phatma Gate with a barrage of stones.

3 July — At 1114 hours two individuals from the Lebanese side hurled objects at Thai workers farming in land on the Israeli side just south of the Phatma Gate.

3 July — At 1200 hours three people from the Lebanese side of the border hurled objects at an IDF observation point near the Phatma Gate.

3 July — At 1425 hours 10 individuals from the Lebanese side attacked an IDF patrol car with stones near the Phatma Gate (B-85).

3 July — At 1540 hours eight individuals attacked an Israel IDF patrol car with stones thrust from the Lebanese side to the Israeli side. The incident took place at a point near the Phatma Gate.

3 July — At 1600 hours an individual from the Lebanese side threw objects at an IDF observation point (at B-85) adjacent to the Phatma Gate.

3 July — At 1704 hours a group from the Lebanese side hurled objects across the border resulting in damage to a light pole on the Israeli side of the Phatma Gate.

3 July — At 1757 hours a group from the Lebanese side hurled a street light pole onto the fence at the Phatma Gate.

3 July — At 1803 hours three individuals from the Lebanese side hurled objects at IDF soldiers on the Israeli side just south of the Phatma Gate.

3 July — At 1819 hours a group of IDF soldiers were attacked with stones, thrown by at least two individuals from the Lebanese side, beside the Phatma Gate.

3 July — At 1912 hours seven individuals from the Lebanese side hurled objects at IDF soldiers at the Phatma Gate. At the same time, seven individuals threw stones at IDF soldiers just south of the Phatma Gate.

3 July — At 1920 hours 10 people from the Lebanese side threw objects at IDF soldiers, at a point in the vicinity of the Phatma Gate.

3 July — At 2003 hours three individuals from the Lebanese side attempted to sabotage the fence at the Phatma Gate (at B-84).

4 July — At 1023 hours five people from the Lebanese side hurled objects at IDF soldiers just south of the Phatma Gate.

4 July — At 1038 hours an Israeli vehicle passing on the south side of the Phatma Gate was attacked with stones thrown from the Lebanese side.

4 July — At 1104 hours IDF soldiers were attacked with objects hurled from the Lebanese side near the Phatma Gate.

4 July — At 1115 hours two individuals from the Lebanese side threw stones at a Thai worker, injuring his leg, on an Israeli farm just south of the Phatma Gate.

4 July — At 1259 hours seven people from the Lebanese side hurled objects at IDF soldiers, in the vicinity of the Phatma Gate.

4 July — At 1314 hours several IDF soldiers were pelted with stones from the Lebanese side, at a point just south of the Phatma Gate.

4 July — At 1520 hours 30 to 40 people from the Lebanese side attacked IDF soldiers with a barrage of stones thrown across the border near the Phatma Gate.

4 July — At 1818 hours eight individuals from the Lebanese side hurled objects at IDF soldiers just south of the Phatma Gate (at B-84). The incident was filmed by an individual from the Lebanese side.

4 July — At 1942 hours 10 people from the Lebanese side hurled objects at the border fence at B-83 (the point located at AMR: 20295/29747).

4 July — At 2009 hours five individuals from the Lebanese side began throwing objects at IDF soldiers in the vicinity of the Phatma Gate. After 30 minutes United Nations armoured personnel carriers arrived and the throwing stopped. The attacks continued once the carrier left, injuring one IDF soldier on the Israeli side.

5 July — At 0937 hours IDF soldiers at the Phatma Gate were pelted with stones thrown from the Lebanese side.

5 July — At 1210 hours 3 individuals from the Lebanese side hurled objects at IDF soldiers, at a point near the Phatma Gate.

5 July — At 1219 hours IDF soldiers were attacked with stones thrown from the Lebanese side, at a point near the Phatma Gate.

5 July — At 1539 hours 60 individuals from the Lebanese side attacked a group of IDF soldiers just south of the Phatma Gate with a barrage of stones, injuring one person on the Israeli side.

United Nations S/2000/662

Security Council

Distr.: General
10 July 2000

Original: English

Letter dated 3 July 2000 from the Permanent Representative of India to the United Nations addressed to the President of the Security Council

1. I have the pleasure of enclosing a resolution on "Conflict diamonds" adopted by the Gems and Jewellery Export Promotion Council of India on 2 May 2000 (see annex).

2. I should also like to bring to your attention the fact that India is fully supportive of the rules of the diamond industry with respect to stopping all trade in conflict diamonds. It supports the relevant resolutions of the United Nations on this issue. Even though India's diamond industry does not import diamonds from any diamond-producing country, or any African country, and even though trade in conflict diamonds is estimated to constitute only 3.7 per cent of the worldwide trade in diamonds, we fully support the moves to stop the trade in conflict diamonds. (The breakdown of India's imports of diamonds is as follows: 19 per cent from the Diamond Trading Company, London; 73 per cent from Belgium; 7 per cent from Israel; and 1 per cent from the United States of America, Hong Kong Special Administrative Region of China and Thailand.)

3. The Gems and Jewellery Export Promotion Council (GJEPC) of India has taken several steps in this regard which are enumerated below:

- A declaration will be issued by GJEPC along with all importing companies to the effect that diamonds sold do not originate from the conflict zones;
- GJEPC will publicly announce that any individual trading in conflict diamonds will be expelled from GJEPC and consequently will not be able to transact any business, since GJEPC membership is a prerequisite of trading in diamonds;
- Complete transparency will be observed and export-import data on India's diamond trade will be published on a monthly basis.

4. India also believes that legitimate trade in diamonds, comprising over 96 per cent of diamonds traded, should not become affected, as on it depends the livelihood of very large numbers of people, including 1 million people in India.

5. I should be grateful if you could circulate the present letter and its annex as a document of the Security Council.

(*Signed*) Kamalesh **Sharma**
Permanent Representative

00-52507 (E) 100700

Annex to the letter dated 3 July 2000 from the Permanent Representative of India to the United Nations addressed to the President of the Security Council

The Gem and Jewellery Export Promotion Council of India resolution on "Conflict diamonds"

The Indian diamond trade is shocked to note that illicit diamonds from Angola, Sierra Leone and the Congo are understood to be used for funding the activities of rival terrorist groups like the *União Nacional para a Independência Total de Angola* (UNITA) in Angola. This is contrary to United Nations resolutions.

It is a matter of deep concern that "conflict diamonds", however negligible, should find their way into the mainstream of the world diamond trade. It should be the endeavour of each and every centre to see that such diamonds do not find their way into any international diamond centre.

The Indian diamond trade would take all precautions and necessary steps to keep away from "conflict diamonds" and extend its support to any international body for achieving the above objective.

Imports of rough diamonds into India are monitored through a system of import licensing and these imports are sourced only from traditional international centres and not from any conflict areas.

It is also the considered view of the Indian diamond trade that legitimate diamond producers and processing centres are not inadvertently hurt in the process. In order that this objective may be achieved, the international diamond community should also suggest a road map that would avert the flow of diamonds from identified conflict areas and other such measures to achieve the desired results and at the same time accelerate the growth of the legitimate business of diamonds.

United Nations S/2000/663

Security Council

Distr.: General
10 July 2000

Original: English

Letter dated 10 July 2000 from the President of the Security Council to the Secretary-General

I have the honour to inform you that your letter dated 30 June 2000 (S/2000/645) concerning the use of funds in excess of requirements from previous phases to fund humanitarian supplies to Iraq under subsequent phases, has been brought to the attention of the members of the Security Council. They concur with the recommendation contained in your report (S/2000/520), which was further elaborated in your letter of 30 June 2000.

(*Signed*) Patricia **Durrant**
President of the Security Council

00-52513 (E) 100700

United Nations S/2000/664

Security Council

Distr.: General
10 July 2000

Original: English

Letter dated 6 July 2000 from the Secretary-General to the President of the Security Council

I have the honour to refer to the command of the United Nations Disengagement Observer Force (UNDOF).

Major General Cameron Ross, who has served as Force Commander of UNDOF since October 1998, will relinquish his post on 6 July 2000. Following the usual consultations with the Governments concerned, I wish to inform the Security Council of my intention to appoint Major General Bo Wranker of Sweden to the post of Force Commander of UNDOF with effect from 1 August 2000.

I should be grateful if you would bring this matter to the attention of the members of the Security Council.

(*Signed*) Kofi A. **Annan**

00-52519 (E) 100700

United Nations S/2000/665

Security Council

Distr.: General
10 July 2000

Original: English

Letter dated 10 July 2000 from the President of the Security Council to the Secretary-General

I have the honour to inform you that your letter dated 6 July 2000 (S/2000/664) regarding your intention to appoint Major General Bo Wranker of Sweden to the post of Force Commander of the United Nations Disengagement Observer Force (UNDOF) has been brought to the attention of the members of the Security Council. They take note of the intention contained in your letter.

(*Signed*) Patricia **Durrant**
President of the Security Council

00-52525 (E) 100700

United Nations A/54/937–S/2000/666

General Assembly
Security Council

Distr.: General
10 July 2000

Original: English

General Assembly
Fifty-fourth session
Agenda item 63
Question of Cyprus

Security Council
Fifty-fifth year

Letter dated 10 July 2000 from the Permanent Representative of Cyprus to the United Nations addressed to the Secretary-General

Upon instructions from my Government and further to my letter dated 5 June 2000, I have the honour to draw your attention to new violations of the flight information region (FIR) of Nicosia and the national airspace of the Republic of Cyprus by military aircraft of the Turkish Air Force, recorded on 7, 11, 12, 19, 21 and 29 June, as well as on 3 and 5 July 2000.

On 7 June, one (1) C-160 Turkish military aircraft entered the Nicosia FIR violating international air traffic regulations and the national airspace of the Republic of Cyprus, flying over the area of Karpasia (Cape of Apostolos Andreas), before exiting in a south-easterly direction. Early on the afternoon of the same day the aircraft violated once more international air traffic regulations and the national airspace of the Republic of Cyprus, flying over the area of Karpasia before exiting towards the FIR of Ankara.

On 11 June, forty-four (44) Turkish military aircraft (34 F-16 and 10 F-4), flying in 17 formations, entered the Nicosia FIR violating international air traffic regulations.

On 12 June, two (2) F-4 Turkish military aircraft entered the Nicosia FIR violating international air traffic regulations.

On 19 June, one (1) B-200 Turkish military aircraft entered the Nicosia FIR violating international air traffic regulations and the national airspace of the Republic of Cyprus, flying over the area of Mesaoria, before landing at 1047 hours at the illegal airport of Tymbou in the occupied area of the Republic. The said aircraft departed the airport at 1215 hours, returning to the FIR of Ankara.

On 21 June, five (5) Turkish military aircraft (3 F-4 and 2 RF-4), flying in two formations, as well as one (1) C-130 entered the Nicosia FIR violating international air traffic regulations. One of the F-4 violated the national airspace of the Republic of Cyprus, flying over the area of Karpasia (Cape of Apostolos Andreas), before exiting in a south-easterly direction. The two remaining F-4 aircraft, as well as the two RF-4 aircraft, violated the national airspace of the Republic of Cyprus, flying

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over the areas of Karpasia (Cape of Apostolos Andreas) and Kormakitis, before exiting towards the Ankara FIR. The C-130 aircraft violated the national airspace of the Republic of Cyprus, flying over the area of Karpasia (Cape of Apostolos Andreas), before exiting in a south-easterly direction.

On 29 June, one (1) F-4 Turkish military aircraft entered the Nicosia FIR violating international air traffic regulations and the national airspace of the Republic of Cyprus, flying over the area of Karpasia (Cape of Apostolos Andreas), before exiting towards the FIR of Ankara.

On 3 July, two (2) Turkish military aircraft (1 Gulfstream and 1 C-160) entered the Nicosia FIR violating international air traffic regulations and the national airspace of the Republic of Cyprus, flying over the area of Mesaoria, before landing at the illegal airport of Tymbou in the occupied area of the Republic, from where they departed the same day, returning to the FIR of Ankara.

Even on 5 July, the very day of the resumption in Geneva of the proximity talks, three (3) Turkish military aircraft (1 C-160, 1 C-130 and 1 CN-235) entered the Nicosia FIR violating international air traffic regulations. The C-160 aircraft violated the national airspace of the Republic of Cyprus, flying over the area of Karpasia (Cape of Apostolos Andreas), before exiting towards the FIR of Ankara. The C-130 and the CN-235 aircraft violated the national airspace of the Republic of Cyprus, flying over the area of Mesaoria, before landing at the illegal airport of Tymbou in the occupied area of the Republic, from where they departed the same day, returning to the FIR of Ankara.

While strongly protesting these actions, which violate international law, as well as Security Council resolutions on Cyprus, and calling for their cessation, I would like, once more, to express the hope that the necessary positive attitude will be shown by Turkey, so that the current proximity talks that are taking place under your auspices, as well as all efforts for finding a just and viable solution of the Cyprus problem, on the basis of United Nations resolutions, will not be adversely affected.

I should be grateful if you would have the present letter circulated as a document of the General Assembly, under agenda item 63, and of the Security Council.

(*Signed*) Sotos **Zackheos**
Ambassador
Permanent Representative

United Nations S/2000/667

Security Council

Distr.: General
10 July 2000
English
Original: Arabic

Identical letters dated 9 July 2000 from the Permanent Representative of Iraq to the United Nations addressed to the Secretary-General and to the President of the Security Council

On instructions from my Government, I have the honour to state that on 1 June 2000 a five-man Kuwaiti naval patrol attacked craft No. 235/Basrah, belonging to Mr. Abd al-Mahdi Shuhayb Ahmad, while it was fishing near buoy 13 inside Iraqi territorial waters. The patrol confiscated the customs carnet and the fishing documents of the crew, and a number of rounds were fired in the direction of the wheelhouse.

The action of the Kuwaiti authorities in entering our territorial waters to assault Iraqi fishermen there is a manifest breach of Iraq's sovereignty and integrity and an act of armed aggression that, by the most elementary standards governing relations between States, constitutes a flagrant violation of the Charter of the United Nations and of all the principles of international law and prevailing international conventions that reject the threat or use of force against the integrity and independence of any country. We protest against the hostile conduct of the Kuwaiti authorities, and we urge you to intervene in order to prevent these violations, namely entry into Iraq's territorial waters and the perpetration of such acts of provocation. The Government of the Republic of Iraq reserves in full the inalienable right accorded to it by the Charter of the United Nations, the principles of international law and international conventions to take whatever measures are necessary to defend its sovereignty and territorial integrity and, in accordance with the principle of international responsibility, to seek compensation for the material and other damage done to it by these acts of aggression.

I should be grateful if you would have the present letter circulated as a document of the Security Council.

(*Signed*) Saeed H. **Hasan**
Ambassador
Permanent Representative

00-52550 (E) 110700 110700

United Nations S/2000/668

Security Council

Distr.: General
10 July 2000
English
Original: Arabic

Letter dated 9 July 2000 from the Permanent Representative of Iraq to the United Nations addressed to the Secretary-General

On instructions from my Government, I have the honour to present hereunder Iraq's comments on your report dated 1 June 2000 on the implementation of phase VII under the memorandum of understanding of 20 May 1996 and the oil-for-food programme (S/2000/520).

In our previous letters commenting on your periodic reports on the implementation of the oil-for-food programme, most recently my letter dated 29 November 1999 addressed to you (S/1999/1290), we referred to the inability of the programme to halt the deterioration of the humanitarian situation in Iraq caused by the comprehensive sanctions imposed in 1990. We have also stated our objections to the approach adopted in the preparation of the reports of the Secretary-General on the implementation of the programme, a narrative approach that avoids facing the facts with respect to the continuing deterioration of the humanitarian situation in Iraq more than three years after the programme began and that fails to draw the conclusion that must be inferred from this situation, namely that the programme has failed to halt this deterioration and that there is no alternative to lifting the sanctions. Most regrettably, your most recent report maintains the same flawed approach. Our principal observations on the report are given hereunder.

I. General observations

1. The report lacks an objective approach to evaluating the repercussions of the implementation of the programme on the humanitarian situation in Iraq. It is devoid of any comparative analysis of the present humanitarian situation and the situation as it was prior to the imposition of sanctions that might show the extent of the damage done to Iraqi society by their imposition. The report also ignores the cumulative impact of the sanctions on all the economic, social, cultural, educational and even psychological aspects of life for the Iraqi people and their projected impact on future generations even if they were to be lifted now.

2. The procedure stipulated in paragraph 11 of Security Council resolution 986 (1995), requiring the report to be prepared on the basis of consultations with Iraq, has not been followed. Had the report been prepared in consultation with the Government of Iraq it would not have had such lacunae in terms of its approach and substance.

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3. The report tries to avoid telling the truth about the greatest obstacle to the proper implementation of the programme, namely the fact that the United States and the United Kingdom place holds on contracts on pretexts that are absurd. The report tries to skirt this fact and to avoid any mention of the United States and the United Kingdom. It even attempts at times to create excuses for the holds placed on some contracts, including requests for additional information, seeking to ignore the fact that paragraph 4 (b) (ix) of the procedures for the implementation of the memorandum of understanding adopted by the Secretariat [i.e. the Committee] on 30 January 1998 (S/1998/92, annex) states that:

> "Applications will be screened and reviewed by the Secretariat ... . The Secretariat should circulate all applications that meet the requirements of the Committee's procedures and are consistent with the distribution plan. ..."

This text confirms that all contracts concluded by Iraq and submitted to the Security Council Committee established by resolution 661 (1990) will have been examined and will have met all the requirements of the distribution plan, that their approval should be merely a formality and that they are placed on hold by the United States and the United Kingdom not for technical reasons but for obvious political reasons that have the purpose of inflicting further harm on the people of Iraq.

4. When the financial aspects are reviewed in annex I to the report, the report neglects to give statistics concerning the various programme accounts and to state how disbursements are made from them and in accordance with what rules or what financial improprieties have been reported. It ignores Iraq's repeated requests to the Secretary-General for a comprehensive audit of all the accounts and for Iraq to be apprised of the auditors' reports and of the financial improprieties they have revealed. The report also overlooks the fact that one of the most significant reasons that resources are insufficient is that enormous sums are being withheld for compensation (30 per cent) and that arbitrary amounts are taken for administrative and financial expenses (2.2 per cent) and the account for the defunct Special Commission (8 per cent). There are thus surplus funds in these accounts at a time when medical, cultural and economic infrastructure in Iraq is in constant decline. We should here like to recall the statement made on 1 September 1999 by the former Coordinator of the Humanitarian Programme, Mr. Dennis Halliday, to the effect that payment of compensation should be deferred until such time as we can ascertain that no Iraqi child is dying for lack of food, medicine or potable water.

5. The report neglects to mention the enormous increase in cases of cancer, particularly among children, as a result of the use by the United States and the United Kingdom of depleted-uranium munitions in their military operations against Iraq in 1991.

II. Detailed observations by sector

1. Monitoring of oil spare parts and equipment

It is stated in paragraphs 33 and 34 of the report that full storage capacity at most warehouses has been reached and that this is due, in part, to the shortage of funds to hire technicians to complete installation work or to engage private transport

companies to move items from the warehouses to the locations where they are required.

While we can confirm the build-up of items in warehouses, this is not because there are no funds for transport or to hire technicians but essentially because the items being delivered are not those that are required if the activities for which they and other items were ordered are to be completed. It is a result of contracts being placed on hold and the delayed arrival of items under other contracts that are for key items that would allow the items that are arriving in a proper manner to be put to good use. To transport these items from the warehouse to the work-place would therefore be to no avail and might subject them to damage and loss. The only solution to the problem of items accumulating in warehouses is for the United States and the United Kingdom to lift the holds placed on contracts, particularly those contracts that complement each other, and for the process of the submission and approval of contracts to be expedited.

2. Education

Reference is made in paragraph 38 of the report to difficulties in obtaining escorts for United Nations observers, without specifying what those difficulties are. The evidence indicates, on the other hand, that escorts from the Ministry of Education and the Ministry of Higher Education and Scientific Research attend the requested visits in accordance with an intensive monthly schedule drawn up by the Office of the Coordinator. The report's reference to the large number of visits carried out over the past six months indicates the same. The two ministries have readied a sufficient number of escorts, there are presently no difficulties with the provision of personnel to escort United Nations observers, and it has never happened that the ministries have been late in meeting a request from any party entrusted with the task of observation during the current phase under the memorandum of understanding.

The report of the Geographical Observation Unit that it had encountered difficulties in collecting statistical information on items relating to the memorandum of understanding at the governorate level is imprecise. It appears that the report is here seeking to raise anew an old issue, namely the one that arose when some United Nations observers sought to collect information using a statistical questionnaire of their own design in which information was requested that did not relate to the memorandum of understanding and the Ministry of Education refused to provide them with such information because it was not within their purview and bore no relation to the implementation of the memorandum of understanding in the education sector. Information on items received under the memorandum of understanding and the distribution plans and on everything relating to them, on the other hand, is provided to observers by the Ministry without hindrance.

3. Ministry of Health

(a) Paragraph 46 of the report refers to continuing telecommunications difficulties between central and governorate warehouses and between warehouses and health facilities, without mentioning the reasons these difficulties persist. The Ministry of Health concluded a contract for the purchase of modern exchanges in

order to solve the problem of communications between the Ministry and the health departments and between the main warehouses of the State Enterprise for the Marketing of Drugs in Baghdad and the same departments. The contract in question, however, is still being blocked by the representatives of the United States and the United Kingdom in the Sanctions Committee. The same is true of a contract for the supply of computers, despite the fact that the geographical observers were long ago provided with the information they had requested on the matter. In the past week a letter arrived at the Ministry of Health from the geographical observers requesting further detailed information on the matter of the computers, and the Ministry is now in the course of considering the information requested so as to provide it to them in accordance with procedures.

(b) It is stated in paragraph 47 of the report that patients in public clinics have continued to receive only partial courses of treatment. The Ministry of Health has taken all possible measures to secure drugs for in-patients in all hospitals and clinics during all the phases under the memorandum of understanding, but the complex mechanism of the memorandum of understanding has been an obstacle to the smooth delivery of items to the end-user on schedule.

(c) Paragraph 48 states that the quantities of drugs for the treatment of chronic illnesses that have been ordered are below caseload requirements. This is inexact, inasmuch as the quantities for which contracts are concluded are established in accordance with the real needs of the health departments in all of Iraq's governorates. The complex mechanism under the memorandum of understanding, however, is the major cause of difficulty and delay in the Ministry's importation activities, and this has disrupted importation plans in general.

(d) Paragraph 50 states that the distribution and utilization of ambulances under the programme has greatly restored the ambulance emergency services. This ignores the fact that there is a contract for the importation of ambulances that is still being kept on hold by the representative of the United States. The reason for this is that all ambulances contain an item of equipment that is most essential and must be used in case of need to save a patient's life. We should like to state in this context that the ambulances that have been delivered to Iraq thus far do contain the item indicated and that Iraq's need for ambulances far exceeds the total of the number already received and the number stipulated in the contract still on hold.

4. Water and sanitation

(a) Many contracts in the water and sanitation field are still being kept on hold by the representatives of the United States and the United Kingdom, as indicated in the report. There are 27 contracts on hold from phase IV to phase VII for a total value of 88.9 million dollars, and some of them are for urgently needed items used in the maintenance, repair and refurbishing of plants in this vital humanitarian sector.

Paragraph 54 states that the percentage of contracts concluded that has been approved (63) is low when gauged against the pressing need for inputs for the operation of this sector, and this limits the use that can be made of the equipment in question when it arrives late. Most of the contracts on hold are for the most urgently needed and most essential items. An example is contract No. 10 under phase V, for the supply of equipment for four sanitation stations in the Ghazaliyah area. It was

placed on hold by the United States on 9 January 1999, and despite the provision of full clarification and of all assurances the hold has not been lifted. Similarly, the delivery of quantities of piping for the upgrading of water and sanitation networks was delayed and Iraq has been unable to expedite the supply of this item and other equipment.

(b) Paragraph 55 states that 4.7 per cent of undistributed stocks at central warehouses are buffer stocks. This percentage is very low in comparison to the requirements of the water and sanitation sector, where such stocks should be not less than 15 per cent if preventive and unanticipated maintenance are to be carried out in the optimum manner.

Logistic problems with distribution have not appeared in an acute form in connection with the works carried out by the Municipality of Baghdad because of the limited geographical area involved. Nevertheless, it is basic to solving this problem, which is expected to emerge in marked form in connection with works carried out by the General Establishment for Water and Sanitation because of the wide dispersal of its sites, to secure the essential machinery and means of communication that were ordered in previous phases and have not yet been delivered either because contracts have been placed on hold by the United States and the United Kingdom or because of supply delays.

(c) Paragraph 56 indicates the quantities of chlorine received, the quantities on order under contracts placed on hold by the United States and the quantities held in stock. Because of supply and distribution difficulties the quantities of chlorine indicated in the report are less than the daily requirements of purification plants, and so use is also made of the quantities produced locally in order to make up the shortfall despite the technical and administrative difficulties involved.

It is axiomatic for the functioning of this sector that the stock of chlorine should not fall below the quantity needed over a six-month period. The report indicates, however, that the stock held by the Municipality of Baghdad is sufficient for only 40 days. This indicates the critical nature of the situation and requires the most expeditious measures to be taken to lift the holds placed on the relevant contracts, to urge suppliers to fill orders speedily and to conduct a review for the purpose of simplifying procedures for monitoring consumption.

(d) Paragraph 57 refers to the drought, the current water shortage and the "reduction of water levels in surface water bodies, which constitute 95 per cent of drinking water resources in the centre and south of Iraq". We are of the view that it is essential for the Secretary-General to stress in his reports that the holds placed on the contracts mentioned in the previous paragraph must be lifted, especially since most of them are for the supply of items and equipment that would increase the efficiency of plants and improve the water networks in operation. The same is true of purification equipment and the other items relevant to maintenance operations, inasmuch as the insistence of the United States and the United Kingdom on blocking water and sanitation contracts contributes greatly to increasing the current shortage of water indicated in the report of the Secretary-General.

In addition to the foregoing, and while noting that if there has been an increase of more than 5 per cent in failed random samples taken from networks in a particular city then the water in that city must be considered unsafe, the report cannot possibly

state that there has been an improvement in terms of lowered bacteriological contamination. At best, the situation can be characterized as critical.

5. Agriculture

(a) The report does not, in paragraph 60, address the fact that the holds placed by the representatives of the United States and the United Kingdom in the Sanctions Committee on contracts for veterinary drugs, vaccines and supplies have had consequences for the plans of the poultry and livestock sector. These holds have had an adverse impact on the implementation of the plans of the Ministry of Agriculture in this regard.

(b) In paragraph 61, concerning the drought, the report makes no reference to the impact of the drought on green fodder and natural pasture-lands or to the adverse effect this in turn has had on herds in terms of health, breeding, the production of meat, milk and wool, and so forth. On the other hand, in dealing with the same subject in the context of the three northern governorates (Irbil, Dohuk and Sulaymaniyah) it focuses on this aspect in some detail.

(c) In paragraph 63, the report fails to mention the fact that the representatives of the United States and the United Kingdom in the Sanctions Committee have placed holds on contracts for agricultural spraying equipment of all kinds and that these holds have been in effect throughout the duration of more than three of the phases. We see no point in importing agro-chemicals when the spraying equipment necessary to make use of them is still on hold. At the same time, the same equipment meeting the same specifications was received during the first three phases that the programme was in operation.

6. Higher education

Paragraph 68 of the report makes brief reference to the fact that computers have been placed on hold. Technical educational equipment and computers have priority among imports for the Ministry of Education. The contracts for computers and laboratory sets concluded by the Ministry are subject to delay because of the holds imposed by the representatives of the United States and the United Kingdom in the 661 Committee. It should be noted that the processors received by the Ministry of Education are of the 486 class, the Committee having imposed this as a condition for its approval of the contract with the company for the supply of Pentium-class processors. This paragraph should have contained a reference to this fact.

7. Communications

Paragraph 72 addresses only the delays affecting telecommunications contracts and makes no reference to the impact of these delays on the sectors of the humanitarian programme. It entirely neglects to mention the requirements of the communications sector in terms of equipment, and some observations on the sector are set forth hereunder.

(a) The State Enterprise for Ports has a shortage of handling equipment at the docks and of dredgers to work on navigation channels for vessels operating under the terms of the memorandum of understanding. Four contracts, for fire engines, spare parts for dredgers, tugs and working boats and generators of various capacities, have been placed on hold by the United States and the United Kingdom. Registration with the Office of the Iraq Programme of nine contracts has been delayed, and they are for the purchase of dredgers, seagoing tugs, pilot boats and forklifts.

(b) In the context of passenger transport equipment, two contracts for the purchase of spare parts for Mercedes buses have been placed on hold and the Office of the Iraq Programme has delayed the registration of seven contracts for the purchase of buses and production-related vehicles.

(c) Most contracts for telecommunications equipment, 25 in all, have been placed on hold by the United States and the United Kingdom despite the fact that every clarification has been provided to the Office of the Humanitarian Coordinator and despite the repeated site visits made by Office personnel. This sector is suffering from manifest decline and from shortcomings in all of its activities.

(d) Of 47 railway-related contracts for phases V, VI and VII under the memorandum of understanding only four have been approved. The railways are in a degraded condition, and the service they provide is greatly reduced. Accidents in the sector have begun to be more frequent as a result of the shortage of rails of the required standard and the lack of reliable communications.

(e) The Office of the Iraq Programme has delayed the registration of phase VII contracts relating to surface transportation. They include contracts for trucks suitable for the carriage of the items imported under the memorandum of understanding.

(f) The registration of contracts for forklifts, dump trucks, mobile workshops, generators, meteorological instruments, replacement parts for ships and dedicated fire-fighting vehicles is still awaiting the approval of the Office of the Iraq programme.

I should be grateful if you would have the present letter circulated as a document of the Security Council.

(*Signed*) Saeed H. **Hasan**
Ambassador
Permanent Representative